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TENNESSEE*

* **State constitution reference**—Authority of general assembly to provide for consolidation of cities and counties.

State law reference—Metropolitan governments, T.C.A., § 6-3701 et seq.

Annotation—Metropolitan Charter upheld, constitutionality of enabling legislation discussed, C.T.C.A., § 6-3701 et seq., *Frazier v. Carr*, 210 Tenn. 565, 360 S.W. 2d 449 (1962).

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Appendix One. Description of Boundaries of Urban Services District

Appendix Two. Description of Thirty-Five Metropolitan Councilmanic Districts.

Appendix Three. Electric Power Board

Appendix Four. Transit Authority

ARTICLE 1. GENERAL PROVISIONS

Sec. 1.01. Consolidation of county and city; creation of metropolitan government; name.

The governmental and corporate functions now vested in the City of Nashville, a municipal corporation created by Chapter 246, Private Acts of 1947, and amendments thereto, are hereby consolidated with the governmental and corporate functions of the County of Davidson, such consolidation being pursuant to constitutional power granted by article XI, section 9 of the Constitution of Tennessee, as amended, and in conformity with section 7-1-101 et seq. of Tennessee Code Annotated, as amended. Said consolidation shall result in the creation and establishment of a new metropolitan government to perform all, or substantially all, of the governmental and corporate functions previously performed by the county and by the city, to be known as "The Metropolitan Government of Nashville and Davidson County," herein sometimes called "the metropolitan government." The metropolitan government shall be a public corporation, with perpetual succession, capable of suing and being sued, and capable of purchasing, receiving and holding property, real and personal, and of selling, leasing or disposing of the same to the same extent as other governmental entities. (Res. No. 88-526, § 1, 10-4-88)

Sec. 1.02. Area of metropolitan government.

The territory embraced in the metropolitan government shall be the total area of Davidson County, as the same may be fixed and established upon the effective date of this Charter.²

2. April 1, 1963.

Sec. 1.03. Two services districts and their areas.

The metropolitan government shall, within the geographical limits thereof, comprise two (2) service districts, to wit: A general services district and an urban services district, as to both of which districts the metropolitan government shall have jurisdiction and authority. The general services district shall consist of the total area of the metropolitan government, the same being the total area of Davidson County as fixed and established upon the effective date of this Charter.³ The urban services district shall consist originally of the total area of the City of Nashville at the time of the filing of this Charter with the county commissioners of election, which area is more specifically described and set forth in Appendix One hereto.

3. April 1, 1963.

Sec. 1.04. Expansion of urban services district.

The area of the urban services district may be expanded and its territorial limits extended by annexation whenever particular areas of the general services district come to need urban services, and the metropolitan government becomes able to provide such service within a reasonable period, which shall not be greater than one (1) year after ad valorem taxes in the annexed area become due. The tax levy on property in areas hereafter annexed shall not include any item for the payment of any deficit in the pension or retirement funds of the former City of Nashville. Said tax levy shall not include any item (except pursuant to and subject to the provisions of Section 7.04 of this Charter), for the payment of urban bonds of the metropolitan government issued prior to the effective date of such annexation, or debts of the former City of Nashville allocated to the urban services district under section 7.20 of this Charter, except to the extent that it shall be found and determined by the metropolitan county council that the property within the newly annexed area will benefit, in the form of urban services, from the expenditures for which the debt, or a specified portion of the debt, was incurred, to substantially the same extent as the property within the urban services district as same existed prior to such annexation.

Annexation shall be based upon a program set forth in the capital improvements budget provided for by section 6.13. Such annexation shall be accomplished and the validity of the same may be contested, by the methods and procedures specified in Tennessee Code Annotated, sections 6-51-101 to 6-51-105, with respect to annexation by municipalities. (Res. No. 88-526, § 2, 10-4-88)

Sec. 1.05. Functions within general services district and urban services district.

The metropolitan government may exercise within its general services district those powers and functions which have heretofore been exercised by the County of Davidson or the City of Nashville, or both, and shall supply the residents of said general services district with those governmental services which are now, or hereafter may be, customarily furnished by a county government in a metropolitan area.

The metropolitan government may exercise within its urban services district those powers and functions which have heretofore been exercised by the City of Nashville or the County of Davidson, and shall supply the residents of said urban services district with those kinds of governmental services which are now, or hereafter may be, customarily furnished by a city government in a metropolitan area.

The functions of the metropolitan government to be performed, and the governmental services to be rendered throughout the entire general services district shall include: general administration, police; courts, jails; assessment; health; welfare; hospitals; housing for the aged; streets and roads; traffic; schools; parks and recreation; library; auditorium, fairgrounds; airport; public housing; urban redevelopment; urban renewal; planning; electrical code; building code; plumbing code; housing code; electricity; transit; refuse disposal; beer supervision; and taxicab regulation.

The additional functions of the metropolitan government to be performed and the additional governmental services to be rendered within the urban services district shall include: additional police protection; fire protection; water; sanitary sewers; storm sewers; street lighting; street cleaning; refuse collections and wine and whiskey supervision.

Nothing in the foregoing enumeration and assignment of functions shall be construed to require the continued maintenance or furnishing of any governmental service which the council by ordinance has determined to be obsolete and unnecessary.

Nothing in this section shall be deemed to limit the power of the metropolitan government to exercise other governmental functions in either the urban services district or the general services district, or to provide new and additional governmental services in either the urban services district or the general services district.

Sec. 1.06. Departments of metropolitan government.

The governmental and corporate authority of the metropolitan government shall be vested in a metropolitan county mayor, who shall be the chief executive officer; a metropolitan county council, which shall be the chief legislative body; an urban council, which shall levy a property tax within the urban services district; the judges of the metropolitan court; the justices of the peace; the departments, boards and commissions herein provided; and such officers, agencies, boards and commissions as may be provided by the Constitution or general laws of the State of Tennessee,⁴ or by ordinance enacted pursuant to this Charter.

4. Constable is a constitutional officer, and office is thus continued under the metropolitan government pursuant to the Constitution and general statutes of the state. *Glasgow v. Fox*, 214 Tenn. 656, 383 S.W. 2d 9 (1964).

Sec. 1.07. Term limits.

A. Effective January 1, 1995, no person shall be eligible to serve in any elected office authorized or created by the Charter of the Metropolitan Government of Nashville and Davidson County if during the previous two (2) terms of that office, the person in question has served more than a single term. Service prior to the passage of this measure shall not count in determining length of service. Judges are exempt from this provision.

B. In January prior to each state legislative session until such a time that it can be certified that the legislative term limits described in this clause have been enacted, the clerk shall write all state legislators whose districts include any part of Davidson County stating that the people of Davidson County desire an opportunity to vote on legislative term limits. The people of Davidson County respectfully request that a proposed constitutional amendment limit each Representative to six (6) years (three (3) terms) in the Tennessee House of Representatives and eight (8) years (two (2) terms) in the Tennessee Senate. The people of Davidson County also instruct all state legislators representing any part of Davidson County to pass this proposed constitutional amendment and place it on the general election ballot.

C. In January of each year until such a time that it can be certified that the term limits described in this clause have been enacted, the clerk shall write all U.S. Representatives whose districts include any part of Davidson County's limits and both federal Senators stating that the people of this municipality support term limits for the U.S. Congress. The people of Davidson County respectfully request that a proposed federal constitutional amendment limit each Representative to six (6) years (three (3) terms) in the United States House of Representatives and twelve (12) years (two (2) terms) in the United States Senate. The people of Davidson County also instruct their federal delegation to pass a constitutional amendment imposing these limits and submit it to the states for ratification.

D. If any provision of this petition shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of Davidson County that all other provisions of this petition and their application to all other persons and circumstances shall be severable and shall not be affected by such decision.

Editor's Note—Section 1.07 was added by referendum election held November 8, 1994.

ARTICLE 2. POWERS

Sec. 2.01. Specific powers.

The metropolitan government of Nashville and Davidson County shall have power:

1. To levy and collect taxes upon all property excepting only property exempt from taxation by general law.

2. To levy and collect taxes upon all taxable privileges and to license and regulate such privileges and privileged occupations.

3. To make appropriations for the support of the metropolitan government, for any other purpose authorized by this Charter and for any purpose for which a county or city is authorized by general law to appropriate; and to provide for the payment of the debts and expenses of the metropolitan government and also the debts and expenses of the county and the city of which it is the successor.

4. To borrow money for the purposes and in the manner provided by article 7, or other provisions of this Charter.

5. To purchase, lease, construct, maintain or otherwise acquire, hold and operate any building or other property, real or personal, for any public purpose, and to sell, lease or otherwise dispose of any property, real or personal, belonging to the metropolitan government.

6. To establish, maintain and regulate, free of sectarian influences, a system of free schools.

7. To make regulations to secure the general health of the inhabitants and to prevent, abate and remove nuisances.

8. To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, roads, alleys and walkways of the metropolitan government.

9. To provide for the creation, maintenance, building or purchase and operation of waterworks, electric power system, gas plants, transportation facilities, public airports, and any other public utility, including sewers and a sewage disposal system; to fix such rates and provide for the making of such charges and assessments as are deemed necessary for the proper furnishing of such services; and to provide liens or penalties and withdrawal of service for refusal or failure to pay same.

10. To provide for the prevention and punishment of vice, obscenity, immorality, vagrancy, drunkenness, riots, disturbances, disorderly houses, bawdy houses, gambling and gambling houses, lewd exhibitions, disorderly conduct, the carrying of concealed weapons, and breaches of the peace.

11. To regulate or prohibit junk dealers; pawnshops; the manufacture, sale or transportation of intoxicating liq-

uors, the use and sale of firearms, the use and sale of firecrackers, fireworks and to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property.

12. To provide for the taking and appropriation of real property within the area of the metropolitan government for any public purpose, when the public convenience requires it and in accordance with the provisions of Tennessee Code Annotated, section 29-16-101 et seq.

13. To provide and maintain a system of pensions and retirement for officers and employees of the metropolitan government and of the county and the city to which it is successor.

14. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the metropolitan government.

15. To establish, maintain and operate public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.

16. To establish, maintain and operate a jail and a workhouse.

17. To make special assessments within the urban services district, pursuant to Tennessee Code Annotated, sections 7-32-101 through 7-32-141.

18. To acquire, own, maintain and operate public parks and playgrounds, and to equip and improve them with all suitable devices, buildings and other structures.

19. To collect and dispose of garbage and other refuse within the urban services district, and to regulate the collection and provide for disposal of garbage and other refuse within the general services district.

20. To provide, or aid in the support of public libraries.

21. To regulate the erection of buildings and all other structures, to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to prohibit, regulate or suppress, or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the public.

22. To fix the fares or rates to be charged for carriage of persons and property by any vehicle held out to the public use for hire within the area of the metropolitan government and not operated over a fixed route; to require indemnity bonds issued by surety companies or indemnity insurance policies to be filed by the owner or operator of such vehicle for the protection of any person against loss by injury to person or property; and to make all needful regulations with respect to the operation of such vehicles.

23. To grant rights-of-way through the streets and roads, and over the bridges and viaducts, for the use of public utilities.

24. To improve and preserve the navigation of the Cumberland River, within the metropolitan government; to erect, repair and regulate public wharfs, docks and landings, and to fix the rate of wharfage thereat; to regulate ferries; and to regulate the stationary anchorage and the mooring of vessels or rafts.

25. To regulate zoning.

26. To establish standard weights and measures; and to provide standards of quality for all food products used for human consumption.

27. To provide for the inspection and weighing or measuring of lumber, building material, stone, coal, wood, fuel, hay, corn and other grain.

28. To regulate, tax, license or suppress the keeping and going at large of animals, including domestic fowl; and to impound the same and in default of redemption to sell or kill the same.

29. To provide for the protection of animals and children, and to prevent cruelty to same.

30. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the metropolitan government.

31. To regulate, by license or otherwise, plumbers and electricians and plumbing and electrical work.

32. To examine and license stationary engineers engaging in operating steam plants within the metropolitan government.

33. To regulate the emission of smoke, the installation and maintenance of fuel-burning equipment, and the methods of firing and stoking furnaces and boilers.

34. To regulate the operations, fees and services of private fire departments maintained outside the area of the urban services district; and to enter into contracts for the furnishing of fire protection outside the urban services district.

35. To collect service charges to defray installation and operation costs for furnishing services beyond the limits of the urban services district when such services are a function of the urban services district.

36. To create, alter or abolish departments, boards, commissions, offices and agencies other than those specifically established by this Charter,⁵ and to confer upon the same necessary and appropriate authority for carrying out of all powers, including the promulgation of building, plumbing, zoning, planning and other codes; but when any power is vested by this Charter in a specific officer, board, commission or other agency, the same shall be deemed to have exclusive jurisdiction within the particular field.

37. To enter into contracts and agreements with other governmental entities and also with private persons, firms and corporations with respect to furnishing by or to the other services and the payments to be made therefor.

38. To determine such offices for which bond shall be required and the amount thereof.

39. To provide penalties for violations of any ordinance adopted pursuant to the authority of this Charter or of general law.

40. To pass all ordinances necessary for the health, convenience, safety and general welfare of the inhabitants, and to carry out the full intent and meaning of this Charter, as fully as if specifically authorized. (Res. No. 88-526, §§ 3, 4, 10-4-88)

5. Constable is a constitutional officer, and office cannot be abolished by metropolitan government. *Glasgow v. Fox*, 214 Tenn. 656, 383 S.W. 2d 9 (1964).

Sec. 2.02. General powers.

In addition to other powers herein granted, the metropolitan government shall be vested with (1) any and all powers which cities are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except only for such limitations and restrictions as are provided in Tennessee Code Annotated, section 7-1-101 et seq., as amended, or in this Charter; and (2) any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee, as fully and completely as though the powers were specifically enumerated herein, except only for such limitations and restrictions as are provided in Tennessee Code Annotated, section 7-1-101 et seq., as amended, or in this Charter; and (3) any and all powers possessed by the County of Davidson or the City of Nashville immediately prior to the effective date of this Charter. (Res. No. 88-526, § 5, 10-4-88)

ARTICLE 3. THE METROPOLITAN COUNTY COUNCIL

Sec. 3.01. Metropolitan county council created; councilmen-at-large and district councilmen.

The legislative authority of the metropolitan government of Nashville and Davidson County, except as otherwise specifically provided in this Charter, shall be vested in the metropolitan county council, sometimes hereinafter called "Council," which shall have a total membership of forty (40), including five (5) councilmen-at-large, and

thirty-five (35) district councilmen. The entire electorate of the metropolitan government shall elect the five (5) councilmen-at-large and each of the thirty-five (35) councilmanic districts shall elect one (1) district councilman. There shall be thirty-five (35) councilmanic districts in the metropolitan government, which are hereby created and established in accordance with the detailed descriptions thereof by metes and bounds as set forth in Appendix Two hereto attached as a part of this Charter.

Sec. 3.02. Terms; compensation; age and residence qualification.

Members of the council shall serve for a term of four (4) years and until their successors are elected and qualified; and shall be compensated at the rate of three hundred (\$300) dollars per month. No person shall be eligible to serve as councilman-at-large or district councilman unless he shall have attained the age of twenty-five (25) at the beginning of his term and unless he shall have been a resident of the area of the metropolitan government for a period of one (1) year and shall continue to reside therein during his period of service. No person shall be eligible to serve as district councilman unless he shall have been a resident of the district for which elected for a period of six (6) months and shall continue to reside therein during his period of service. Members of the council shall hold no other elective or appointive office in the metropolitan government or employment by said government, except as expressly provided in this Charter.

Sec. 3.03. Quorum; rules of procedure; presiding officer.

Not less than two-thirds (2/3rds) of all the members to which the council shall be entitled shall constitute a quorum for the transaction of business. The council may determine its rules of procedure. The vice county mayor shall be the presiding officer of the council, but without vote therein, except in the event of a tie vote, when he may cast the deciding vote.

Sec. 3.04. Regular meetings; adjourned meetings; special meetings.

The council shall hold regular meetings only on the first and third Tuesday of each month and may hold an adjourned meeting of a regular meeting on any week day or hour it may fix. At such adjourned meeting the council may transact any business which it might transact at a regular meeting. Special meetings of the council may be held when called by the mayor or vice mayor and shall be called by either official when the public welfare requires it or when requested in writing by a majority (21) of the members of the council. At least forty-eight (48) hours'

written notice shall be given for any special meeting, stating the object or objects thereof, and the business of such meeting shall be restricted to the objects so stated. All meetings of the council shall be open to the public and shall be held in a metropolitan building unless by reasons of casualty a different meeting place shall be selected, with public announcement thereof.

Editor's note—The amendment to § 3.04 was approved at an election held Aug. 4, 1983.

Sec. 3.05. Legislative authority exercised by ordinance; requirements as to, and form of, ordinances.

The council shall exercise its legislative authority only by ordinance, except as otherwise specifically provided by this Charter or by general law. No ordinance shall become effective until it shall have passed by a majority vote on three (3) different days, on the final passage of which it shall have received a majority vote of all the members to which the council is entitled and until it shall have been signed by the metropolitan county mayor or become a law without his signature as otherwise provided in article 5 hereof. On final passage of an ordinance or resolution, a vote shall be taken by ayes and noes, and the names of the councilmen voting for or against the same shall be entered on the minutes. Each ordinance shall begin "Be it enacted by the Council of the Metropolitan Government of Nashville and Davidson County", and no ordinance shall take effect until twenty (20) days after its passage, unless the same shall state that the welfare of the metropolitan government of Nashville and Davidson County requires that it should take effect sooner.

Sec. 3.06. Authority and power of the council.

The council is authorized to legislate with respect to the powers of the metropolitan government granted by article 2 hereof, except as otherwise provided in this Charter; and by ordinance to provide for the organization, conduct and operations of all departments, boards, commissions, offices and agencies of the metropolitan government, when the same has not been provided for by this Charter.

In addition to the foregoing and in aid of its legislative function, the council is authorized by resolution passed by a three-fourths (3/4ths) majority of its entire membership and not subject to the veto power of the mayor to conduct investigations by the whole council or any of its committees; to employ and compensate personnel necessary for such purpose; and to make appropriations therefor.

Sec. 3.07. No pensions for councilmen.

Members of the council shall not be eligible to receive and shall not receive any pension by reason of their service as members of said council.

Nothing in this section shall be deemed to abrogate or diminish the obligation of the metropolitan government to pay pensions to those persons who upon the effective date of this Charter are entitled to receive pensions by reason of their years of service as councilmen of the City of Nashville or who upon the expiration of the terms for which they have been elected as such councilman would become entitled to receive such pensions.

ARTICLE 4. THE URBAN COUNCIL

Sec. 4.01. Selection, term and function of the urban council.

The urban services district shall be and constitute a municipal corporation, with a three member urban council, whose sole function shall be a mandatory obligation to levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the metropolitan council. The members of the urban council shall be those three (3) individuals elected to the metropolitan council as councilmen-at-large who receive the highest votes, who reside within the area of the urban services district, then they shall constitute the urban council; and if less than three councilmen-at-large reside in the urban services district, they shall be members of the urban council, together with other members selected by the metropolitan council from its own membership so as to constitute a three member urban council. Members of the urban council so chosen by the metropolitan council shall be members a portion of whose district lies within the area of the urban services district. The term of members of the urban council shall be co-extensive with the term of the members of the metropolitan council. Vacancies in the membership of the urban council shall be filled by the metropolitan council, which shall elect to any such vacancy one of its own members a portion of whose district lies within the area of the urban services district.

The urban council shall meet immediately following any meeting of the metropolitan council, at which an annual budget is adopted or amended, or at which the annual tax rate for the general services district is adopted or amended. The minutes for the urban council shall be kept by the metropolitan clerk.

ARTICLE 5. THE METROPOLITAN COUNTY MAYOR AND VICE MAYOR

Sec. 5.01. Executive and administrative power; chief executive officer.

The executive and administrative power of the metropolitan government shall be vested in and exercised by a metropolitan county mayor and such other departments, boards, commissions, officers and agencies as are created or authorized in this Charter. The metropolitan county mayor, sometimes hereinafter called "mayor," shall be responsible for the conduct of the executive and administrative work of the metropolitan government and for the law enforcement within its boundaries.

Sec. 5.02. Term; qualification; compensation.

The mayor shall be elected for a term of four (4) years and until his successor is elected and qualified. He shall have attained the age of thirty (30) at the beginning of his term and shall have been a resident of the area of the metropolitan government for at least three (3) years preceding his election and shall continue to reside therein during his period of service. He shall be compensated at the rate of twenty-five thousand (\$25,000) dollars per annum, payable semimonthly.

Sec. 5.03. Power and authority of mayor.

The mayor is authorized to administer, supervise and control all departments created by this Charter, except as otherwise specifically provided, and also all departments created by ordinance pursuant hereto. Such administration shall be by and through departmental directors under the supervision and control of the mayor.

Except as otherwise provided in this Charter, the mayor shall appoint all directors of departments, subject to limitations of civil service provided by this Charter, if any. All departmental directors not under civil service limitations appointed by the mayor shall be confirmed by the council and may be removed by the mayor as provided herein or in the creating ordinance.

The mayor shall appoint all members of boards and commissions created by this Charter or by ordinance enacted pursuant hereto, except as otherwise specifically provided, and he shall fill vacancies on said boards and commissions. Appointments to membership on boards and commissions shall not require confirmation by the council except as the same may be specifically required by this Charter or by ordinance creating such board or commission.

The mayor shall have and may exercise, in person or through agent, all the powers of a fiscal agent and financial officer heretofore possessed by the county judge of David-

son County, acting either under general law or private act. The mayor shall also be vested with and possess all executive powers and functions, exclusive of judicial functions, heretofore performed by the county judge under general law or private act except to the extent that such powers and functions may be vested in other officers or agencies by the provisions of this Charter; and also shall be vested with and possess all executive powers and functions hereafter vested by general law in the office of the county judge.

The mayor shall be authorized at any reasonable time to examine and inspect the books, records, and official papers of any department, board, commission, officer or agency of the metropolitan government; and to attend the meeting of any board or commission and make suggestions thereto.

The mayor is authorized to require any department, board, commission, officer or agency to submit to him written reports and information in connection with the business and affairs of the metropolitan government which the same handles or administers; and he shall, from time to time, submit reports and recommendations to the council with respect to the financial condition, other business and general welfare of the metropolitan government.

The mayor shall submit an annual budget as provided for in article 6 of this Charter.

The mayor is authorized to call special meetings of the council as provided for in section 3.04 of this Charter.

Sec. 5.04. Mayor's veto power; veto of items in appropriations and budget.

The mayor is authorized to approve or to disapprove ordinances and resolutions adopted by the council and no ordinance or resolution shall become effective without his approval except as herein provided. Every ordinance or resolution adopted by the council shall be presented to the mayor for his consideration. If he approves, he shall sign the same, and it shall become effective according to the terms thereof. If he disapproves, he shall return the same to the council without his signature, which return may be accompanied by a message indicating the reasons for his disapproval. Any resolution or ordinance so disapproved shall become effective when subsequent to its return it shall be adopted by two-thirds (2/3rds) of all the members to which the council is entitled, with the ayes and noes and the names of the councilmen voting for and against the same entered on the minutes. Every resolution or ordinance shall become effective unless the same be approved or disapproved by the mayor and returned to the council at or prior to the next regular meeting of the council occurring ten (10) days or more subsequent to the date when the same was delivered to his office for consideration.

The mayor, while approving other portions of an ordinance, may reduce or disapprove the sum of money appro-

priated by any one or more items, or parts of items, in any ordinance appropriating money, except for debt service, employee benefits or independent audits, such power to be exercised with return of the ordinance to the council within the time prescribed for disapproval of ordinances generally, accompanied by written explanation of the reasons for disapproval or reduction. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced unless any such item or parts of items so disapproved or reduced shall be restored to the ordinance in the original amount and become effective by adoption by the council according to the rules and limitations prescribed for the passage of other ordinances over the mayor's veto.

Sec. 5.05. Election of vice mayor; presiding officer of council.

The vice mayor shall be elected for a term of four (4) years and until his successor is elected and qualified. He shall possess the qualifications of the mayor and shall be compensated at the rate of forty-two hundred (\$4,200) dollars per annum, payable semimonthly. In the event the office of mayor becomes vacant, the vice mayor shall serve as mayor and be compensated as such until the vacancy is filled at a special election or at a general election, as provided in section 15.03 of this Charter. During the time that the vice mayor shall serve as mayor, he shall cease to act as presiding officer of the council.

Sec. 5.06. Limitation on terms of service.

No mayor elected and qualified for three (3) consecutive four (4) year terms shall be eligible for the succeeding term.

Sec. 5.07. Pension for mayor.

After the mayor shall have served two (2) full terms, he shall receive an annual pension equivalent to ten (10%) percent of his salary during the last year of his second term, and after he shall have served three (3) full terms (in lieu of the lesser pension) he shall receive an annual pension equivalent to twenty-five (25%) percent of his salary during the last year of his third term. The amount of this pension shall not be increased by subsequent years of service as mayor. The pension herein provided shall be suspended during any subsequent period that the mayor shall be a compensated officer or employee of the metropolitan government and, if accepted, shall be in lieu of any pension which said mayor may be entitled to receive from the metropolitan government by reason of service as an officer or employee of the City of Nashville.

Any pension which a person may be entitled to receive from the metropolitan government by reason of services as

mayor of the City of Nashville shall also be suspended during the period that such person shall be a compensated officer or employee of the metropolitan government.

ARTICLE 6. THE BUDGETS AND FINANCIAL MATTERS.⁶

- * 6. Sheriff, as an officer of the metropolitan government, is subject to and bound by the budgetary provisions of the Metropolitan Charter. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 6.01. Fiscal year.

The fiscal year of the metropolitan government shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, institution, activity and agency of the metropolitan government; but the aforesaid provision shall be in addition to, and not in lieu of, any accounting and reporting required of any official or agency by state or federal laws.

Sec. 6.02. Preparation of annual operating budget.

The director of finance shall obtain from all officers, departments, boards, commissions and other agencies for which appropriations are made by the metropolitan government, or which collect revenues for such government, such information as shall be necessary for him to compile the annual operating budget; and it shall be the duty of all such officers, departments, boards, commissions and agencies to furnish the director such information as he may require at such time or times and in such form as the director may prescribe.

Not later than three months prior to the end of each fiscal year, said director shall distribute to each of the agencies identified in the preceding paragraph all forms necessary for the preparation of the operating budget for the succeeding fiscal year. Such forms shall be returned to the director with the information desired not later than two months prior to the end of the current fiscal year. On the basis of the information so received and otherwise secured by him, said director shall prepare and transmit to the mayor a proposed operating budget for the next fiscal year of the kind and scope set forth in section 6.03 hereof. In preparing the proposed budget, the director may revise, as he may deem necessary, the estimates or requests made by the various officers, departments, boards, commissions and agencies, but any such agency shall be entitled to a hearing before the director with reference to any contemplated changes in its budget requests or estimates.

Sec. 6.03. Scope of the annual operating budget.

Section I of the annual operating budget shall apply only to the general services district and shall deal with those services and functions appertaining to the general services district, as set out by this Charter, or by ordinance of the council.

Section II of the annual operating budget shall apply only to the urban services district and shall deal with those services and functions appertaining to such urban services district, as set out in this Charter, or by ordinance of the council.

Each of the above described sections of the annual operating budget shall contain with respect to each of the operating funds of the metropolitan government to which they are applicable:

(a) An estimate of the unencumbered fund balance or deficit at the beginning of the ensuing fiscal year, and the amount of any reserves for designated purposes or activities includable in the operating budget.

(b) A reasonable estimate of revenues to be received during the ensuing year, classified according to source; but the estimated revenues from current and from delinquent property taxes shall not exceed the percentage of the total receivable from each such source collected during the last completed fiscal year; or the current fiscal year.

(c) Proposed expenditures for each organizational unit and activity in accordance with the established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for such fiscal year payable from such fund.

In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus, or fund balance, and applicable reserves and less any estimated deficit at the end of the current fiscal year.

Sec. 6.04. Review and revision of operating budget by mayor; submission to council; budget as public record; distribution of copies.

The mayor shall review the operating budget submitted to him by the director of finance, and may make any revisions in such budget as he may deem necessary or desirable, before it is submitted to the council for consideration.

Not later than May 25th, the mayor shall submit to the metropolitan council the operating budget as approved by him in the form and with the contents specified in section 6.03 hereof, together with a message explaining such budget, describing its important features, and outlining the proposed financial policies of the metropolitan govern-

ment for the ensuing fiscal year and setting forth the reasons for any significant changes in policy or budgetary allocations. The mayor shall promptly cause copies of the budget and the budget message to be prepared for distribution to interested persons, and a summary of the budget shall be published in each of the daily newspapers in the area of the metropolitan government. The operating budget, as well as the capital improvements budget hereinafter provided for, the budget message, and all supporting schedules shall be public records in the office of the metropolitan clerk and shall be open to public inspection.

Sec. 6.05. Hearings by council.

After the council shall have passed the budget ordinance on first reading, it shall hold hearings on the proposed operating budget, as well as on the capital improvements budget as provided in section 6.13 hereof, but the hearing on the capital improvements budget shall be heard prior to those on the proposed operating budget, and the hearings on either budget may be adjourned from time to time. Budget hearings shall be advertised in a daily newspaper of general circulation published in the area of the metropolitan government at least seven days prior to the date or dates set for the beginning of such public hearings.

Sec. 6.06. Action by council on operating budget.

After the conclusion of the public hearings, the council may amend the operating budget proposed by the mayor; except, that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year as certified by the director of finance. Neither shall the council alter the estimates of receipts or other fund availability included in the budget document except to correct errors and omissions, in which event a full explanation shall be spread on the minutes of the council. In no event shall the total appropriations from any fund exceed the estimated fund balance, reserves and revenues, constituting the fund availability of such fund.

The council shall finally adopt an operating budget for the ensuing fiscal year not later than the thirtieth day of June, and it shall be effective for the fiscal year beginning on the following July 1st. Such adoption shall take the form of an ordinance setting out the estimated revenues in detail by source and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget document. If the council shall fail to adopt a budget prior to the beginning of any fiscal year, it

shall be conclusively presumed to have adopted the budget as submitted by the mayor.

A copy of the adopted budget, certified by the metropolitan clerk, shall be filed in the office of the director of finance.

The amount set out in the adopted operating budget for each organizational unit, purpose or activity shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable. This shall not preclude the impoundment of funds or additional appropriations as provided herein.

Sec. 6.07. Property tax levies.

The council shall levy an annual tax on real and personal property and merchants' ad valorem in the general services district, and the tax levy ordinance shall be the next order of business of the council after the adoption of the operating budget. The tax rate set by such ordinance shall be in two (2) parts; the general tax rate and the school tax rate.

The general tax rate set by such ordinance shall be such that a reasonable estimate of revenue from the levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated with the exception of the amount appropriated for schools and to provide in addition, a reasonable amount of working capital for each of the several funds.

The school tax rate set by the ordinance shall be such that a reasonable estimate of revenue from the levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for schools and to provide in addition, a reasonable amount of working capital.

After the council has approved the annual operating budget of the urban services district, said council shall determine and declare the amount of revenue which must be produced from a tax levy upon the real and personal property and merchants' ad valorem within the urban services district. The urban council shall thereupon convene and it shall have a mandatory obligation by resolution to levy a property tax adequate with other available funds to finance the budget for urban services, as determined by the council; subject, however, to the requirements of section 1.04 of this Charter with respect to the tax on property in the newly annexed areas.

Sec. 6.08. Allotments of appropriations.

All appropriations contained in the current operating budget shall be allotted by the director of finance on a

quarterly basis, and it shall be his duty to make such allotments promptly at the beginning of each quarter of the fiscal year. Such allotments shall be based upon estimated needs, and in the determination of such need the director of finance may require all spending agencies to submit allotments requests on such forms as he may prescribe. Such allotments shall constitute authorizations for expenditure or encumbrance, and no expenditure shall be made or encumbrance created, but in pursuance of an allotment, and within the otherwise unencumbered balance of such allotment.

Sec. 6.09. Impoundment of funds.

Upon certification of the director of finance that the revenues or other resources actually realized with respect to any fund are less than was anticipated and are insufficient to meet the amounts appropriated from such fund, it shall be the duty of the mayor to impound such appropriations as may be necessary to prevent deficit operation.

Sec. 6.10. Additional appropriations.

The metropolitan council may make appropriations in addition to those contained in the current operating budget, at any regular or special meeting called for such purpose, but any such additional appropriation may be made only from an existing unappropriated surplus in the fund to which it applies.

Sec. 6.11. Transfer of appropriations.

On request of any department head, and with his consent, the mayor may transfer the unencumbered balance of any appropriation, or any portion thereof, for any purpose or activity to the appropriation for any other purpose or activity within the same department, but the same shall not be available for encumbrance or expenditure until it shall have been allotted by the director of finance.

At the request of the mayor, but only at the end of any quarter of the fiscal year, the council may by resolution approved by a majority of the membership of the council transfer the unencumbered balance of any appropriation, or any portion thereof, to another appropriation within the same section of the budget and within the same fund. However, the council shall not make transfers of appropriations at any time between the general services district and the urban services district, or transfer moneys from any operating fund to another fund. Provided, however, that this stipulation shall not apply to the discharge of obligations existing between governmental agencies financed from one fund and those financed through another fund, nor to the transfer of moneys from operating funds to agency or trust funds, covering collections to be expended through such agency or trust funds, nor to the transfer of

the unappropriated surplus in bond funds to the debt service funds set up to retire such bond, nor to such other transfers between funds as may be authorized by law.

Sec. 6.12. Lapse of appropriations.

All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

Sec. 6.13. Capital improvements budget.

The director of finance shall obtain annually from all officers, departments, boards and commissions and other agencies requesting funds from the metropolitan government for capital improvements, such information as the planning commission shall require to enable it to prepare the capital improvements budget. This data shall be delivered to the planning commission not later than four months prior to the end of the fiscal year. The capital improvements budget shall include a program of proposed capital expenditures for the ensuing fiscal year and the next five fiscal years thereafter, accompanied by the report and recommendations of the metropolitan planning commission with respect to the program. Section I of the capital improvements budget shall present proposed general services district projects. Section II shall present proposed urban services district projects. The mayor shall submit the capital improvements budget to the council not later than May 15th and shall recommend those projects to be undertaken during the ensuing fiscal year and the method of financing them, noting the impact on the debt structure of the metropolitan government and shall include in the appropriate current operating budget any projects to be financed from current revenues for the ensuing fiscal year.

The council shall have power to accept, with or without amendment, or reject, the proposed program and proposed means of financing. The council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriation for such project is included in its capital improvements budget, except to meet a public emergency threatening the lives, health or property of the inhabitants, when passed by two-thirds vote of the membership of the council. The capital improvements budget must be acted upon finally by the council not later than the fifteenth day of June following its submission.

The mayor may submit amendments to the capital improvements budget at any time during the year, accompanied by the recommendation thereon of the planning commission, which amendments shall become effective when adopted by a two-thirds vote of the membership of the council.

Sec. 6.14. General fund reserve.

From all original moneys collected during any year, before making a budget ordinance, there shall be deducted four (4%) percent of the gross amount of the general fund revenue of the general services district, which sum shall be placed in an account to be known as the general fund reserve and shall be kept separate and apart from other funds of the metropolitan government.

The mayor and council may by resolution make appropriations from said funds for the purchase of equipment for any department of the metropolitan government or for repairs to any building owned by any department of the metropolitan government; provided, however, that no appropriations shall be made from this fund to any department not deriving its operating funds from the general fund budget.

From all moneys collected during any year, and after making provisions for the four (4%) percent of the gross amount of the general fund revenue that shall establish the general fund reserve of the metropolitan government, there shall be next provided a sufficient amount, not to be less than fifty thousand (\$50,000) dollars, to be placed in and constituted the metropolitan government advance planning and research fund for the use of the metropolitan planning commission of the metropolitan government in the preparation, in advance, of plans for capital projects, and for the making of such studies and the doing of such research as is by the metropolitan planning commission deemed necessary in the performance of the duties and responsibilities given it by the Metropolitan Charter and general law. No expenditures shall be made from said fund except by resolution of the metropolitan planning commission, and in no case shall expenditures be made therefrom for the payment of budgetary items or matters not concerned with research and advance planning. The resolution of the metropolitan planning commission as to capital projects shall precisely define the projects concerned and amounts expended in the planning of such projects shall be provided for in the financing of construction of same and, upon the commencement of construction, the metropolitan government advance planning and research fund shall be repaid those sums and moneys expended from it in the advanced planning of such project. From all moneys collected during any year, and after the making of provision for the four (4%) percent of the gross amount of the metropolitan government's general fund revenue flowing into the general fund reserve of the metropolitan government, there shall next be provided a sufficient amount, as of the first day of each fiscal year, to bring the unencumbered balance on hand in the metropolitan government advance planning and re-

search fund created herein to the minimum sum of fifty thousand (\$50,000) dollars.

By ordinance, the council may create a contingent reserve fund not to exceed four (4%) percent of the general fund revenue of the urban services district. The mayor and council may by resolution make appropriations from said fund for the purchase of equipment for any department of the metropolitan government or for repairs to any building owned by any department of the metropolitan government which equipment or buildings are used primarily for the furnishing of services herein defined as urban services; provided, however, that no appropriations shall be made from this fund to any department not deriving its operating funds from the general fund of the urban services district current operating budget.

Editor's note—Section 6.14 was amended at an election held Aug. 4, 1983.

Sec. 6.15. Post audit.

The council shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the metropolitan government and of its every department, office and agency. The audit shall be made by an accountant or an accounting firm, the members of which have no personal interest, direct or indirect, in the fiscal affairs of the metropolitan government or of any of its departments, offices, or agencies. The designated accountant shall be a certified public accountant, or, if an accounting firm is employed, the members thereof shall be so certified and thoroughly qualified by training and experience in governmental accounting to perform the audit.

The independent audit shall be made by a firm chosen by a three member audit board. This board shall consist of the presiding officer of the council, the chairman of the finance committee of the council, and the chairman of the metropolitan board of education.

The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than four months after the close of the fiscal year. The audit report shall be available to the public and to the press.

The council may at any time order an examination or special audit of any department, office or agency of the government.

ARTICLE 7. BOND ISSUES

Sec. 7.01. Bonds authorized by metropolitan council; purposes of issue.

The council may cause the bonds and other obligations of the metropolitan government to be issued in the following manner and subject to the following restrictions:

The council may in the name and for the use of the metropolitan government issue bonds or other obligations in the manner and to the extent hereinafter provided in this article. Such bonds or other obligations may be issued for the purpose of financing the whole or any part of the cost of any public improvement or property the metropolitan government is authorized by this Charter or any other law to acquire, construct, reconstruct, extend or improve. Two or more improvements or properties may be combined as a single improvement or property for the purpose of the issuance of bonds.

Sec. 7.02. Definitions.

For the purposes of this article, the word "bonds" shall mean and include bonds or other obligations payable from ad valorem taxes or other taxes, or from revenues derived from utilities or other revenue producing enterprises or facilities, or from any other sources, or any combination thereof; the words "revenue bonds" shall mean bonds or other obligations payable in whole or in part from the revenues derived from utilities or other revenue producing enterprises or facilities; and the words "tax bonds" shall mean bonds or other obligations payable in whole or in part from ad valorem taxes. All of the provisions of this article relating to bonds shall apply to all such types of bonds, except where expressly or by necessary implication provided otherwise.

Sec. 7.03. Costs includable; bonds for furnishings and equipment.

In any issue of bonds hereunder, there may be included as part of the cost to be financed from the proceeds of such bonds all engineering, technical and legal fees or expenses, interest upon such bonds during the period of acquisition or construction and for a reasonable period thereafter, fees of fiscal or financial agents or consultants, if any, the acquisition of necessary equipment and furnishings, working funds and reserve funds, and such other items or expenses as are necessary and incidental to the completion and financing of the improvement or property and the placing of the same in operation or use. Tax bonds not to exceed the aggregate principal amount of three hundred thousand (\$300,000) dollars outstanding at any one time may be issued for the purpose of acquiring furnishings and equipment for metropolitan government purposes, and such au-

thority to issue such bonds shall be in addition to and not in limitation of the other provisions of this Charter, and the issuance of such bonds shall not be subject to approval of the voters at any referendum.

Sec. 7.04. General tax bonds and urban tax bonds.

Tax bonds may be issued pursuant to this article for the general services district, herein sometimes referred to as "general tax bonds", or for the urban services district, herein sometimes referred to as "urban tax bonds", but the full faith and credit of the metropolitan government shall be pledged for all bonds issued hereunder which are payable in whole or in part from ad valorem taxes. Ad valorem taxes shall be levied and collected in the general services district for the payment of general tax bonds and in the urban services district for the payment of urban tax bonds; provided, however, that the metropolitan government shall be unconditionally and irrevocably obligated to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property in the general services district to the full extent necessary to pay all principal of and interest on all tax bonds, both general tax bonds and urban tax bonds, and the full faith and credit of the metropolitan government shall be pledged for the payment of all tax bonds. In the event, however, that it shall ever become necessary to levy ad valorem taxes in the general services district outside the urban services district for the payment of urban tax bonds, then the amount of such taxes shall be included in the next levy of ad valorem taxes in the urban services district and restored to the tax revenues of the general services district, it being the express intention of this article that the holders of any such tax bonds shall be entitled to the levy of ad valorem taxes to the full extent necessary on all the taxable property in the general services district, but that as between the general services district and the urban services district, such ad valorem taxes shall be levied in such respective districts for the full amount of debt service on bonds issued for such respective districts.

Sec. 7.05. When bond referendum not required; notice of issue.

No vote or approval of the qualified electors at an election shall be required for the issuance of any tax bonds hereunder if the initial resolution authorizing such tax bonds is adopted by two-thirds of the whole membership of the council, unless within twenty days after the date of the first publication of such initial resolution, with the notice set forth below, in a newspaper published and having general circulation in the area of the metropolitan government, a petition protesting the issuance of such tax bonds

signed by at least six per centum of the qualified electors in the general services district in the case of general tax bonds, or in the urban services district in the case of urban tax bonds, is filed in the office of the metropolitan clerk. If a petition protesting the issuance of such tax bonds shall be filed as aforesaid within such twenty day period, then the tax bonds proposed by such initial resolution shall not be issued without the approval of a majority of the qualified electors residing in the general services district in the case of general tax bonds or in the urban services district in the case of urban tax bonds, who vote on a proposition for the issuance of such tax bonds at a regular or special election held in the manner prescribed herein. For the purposes of such election a qualified elector shall be any resident of the metropolitan government residing in the general services district in the case of general tax bonds or in the urban services district in the case of urban tax bonds, who was qualified to vote for members of the general assembly at the general election next preceding the filing of such petition or who is on the date of the filing of such petition then qualified to vote for the members of the general assembly. No qualified elector shall be permitted to withdraw his signature from such petition after signing the same. The notice to be published with said initial resolution shall be in substantially the following form:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of the first publication of this notice a petition signed by at least six (6%) percent of the qualified electors residing in the Services District of the Metropolitan Government of Nashville and Davidson County shall have been filed with the Clerk of the Metropolitan Government protesting the issuance of the bonds authorized in such resolution, such bonds will be issued as proposed in said resolution.

Clerk of the
Metropolitan Government

Notwithstanding any of the provisions of this article, the council may, if it desires, call an election as provided herein for the purpose of ascertaining the will of the qualified electors in the general services district or the urban services district, as the case may be, with respect to the issuance of any bonds, whether payable from ad valorem taxes or other taxes, or any other revenues, or a combination thereof.

Sec. 7.06. Referendum election after petition of protest.

If the filing of a petition protesting the issuance of any tax bonds with the metropolitan clerk shall result in the necessity of any election on the proposition to issue such tax bonds, the council upon the filing of such petition shall adopt a resolution, herein called the election resolution, which shall direct the holding of an election for the purpose of voting for or against the tax bonds proposed to be issued, said election to be conducted by the Davidson County Election Commissioners as hereinafter provided. Such election resolution shall state the purpose or purposes for which each bond issue is authorized, the amount or maximum amount of the bonds, the maximum number of years for which the bonds are to run, and the maximum rate of interest such bonds are to bear. More than one proposition may be submitted at the same election. Said election resolution shall request the Davidson County Election Commissioners to arrange for the holding of the election on the date specified in the resolution. The election shall thereupon be held, notice thereof given and the results thereof canvassed in the manner provided by the general laws for the holding of elections under the supervision of the election commissioners. After the council has received the official report of the outcome of the election from the election commissioners, the council shall adopt a resolution in which there shall be contained a formal finding of the outcome of the election, which finding shall be conclusive.

No approval of the qualified electors residing in either the general services district or the urban services district at any election shall be required for the issuance of any bonds unless ad valorem taxes shall be pledged for the payment of all or part of the debt service on such bonds, and the above provisions for a permissive referendum on petition shall not apply to other bonds.

Sec. 7.07. Issuance of bonds under general law.

Bonds may be issued under this article for either the general services district or the urban services district pursuant to any general law of the State of Tennessee now or hereafter in effect and applicable to counties or cities or metropolitan governments in the State of Tennessee, and it is hereby expressly provided that the metropolitan government may issue bonds under the provisions of all such general laws without regard to any limitations or restrictions contained in this Charter. No proceeding for the issuance of such bonds shall be required other than those required by the general law under which such bonds are authorized and no provision of any resolution, ordinance or notice, and no election or opportunity for referendum shall

be required except as may be specifically required by the provisions of such general law.

Sec. 7.08. Limitations on urban bonds.

No urban tax bonds shall be issued pursuant to this article which shall cause the total net bonded indebtedness payable from ad valorem taxes incurred for the urban services district (including all tax bonds theretofore issued for the urban services district and then outstanding, and the amount of any tax bonds theretofore issued by the City of Nashville and then outstanding which are allocated to the urban services district by this article), after deduction of all sinking funds on hand for the payment of principal, to exceed fifteen (15%) percent of the assessed valuation of taxable property in the urban services district as last completed and determined prior to the issuance of such tax bonds. In computing the bonded indebtedness incurred for the urban services district for the purpose of this paragraph there shall be excluded:

(a) All urban bonds issued in anticipation of the collection of special assessments whether or not such urban bonds are also payable from ad valorem taxes.

(b) All revenue bonds issued for the urban services district or any part thereof which are payable solely from the revenues derived from the operation of any utility or other revenue producing enterprise or facility.

(c) All urban bonds payable from both ad valorem taxes and revenues derived from the operation of any utility or other revenue producing enterprise or facility, to the extent that such utility or other revenue producing enterprise or facility was self-liquidating during the immediately preceding fiscal year, in that the revenues derived therefrom, after deducting all current expenses of operation and maintenance, were sufficient to pay all principal of and interest on such bonds due in such fiscal year; or if such utility or other revenue producing enterprise or facility was not fully self-liquidating in such fiscal year, then a part of such bonds shall be excluded, which part shall be the same proportion of the total amount of such bonds which the amount of net revenues derived from such utility or revenue producing enterprise or facility in such fiscal year bears to the amount of net revenues which would have been required to make such utility or revenue producing enterprise or facility fully selfliquidating in such fiscal year.

(d) Urban bonds issued under the authority of any general law of the State of Tennessee as distinguished from urban bonds issued under sole authority of this article.

(e) Urban bonds not exceeding two hundred thousand (\$200,000) dollars in any year, issued to provide funds to repair or to replace any public building, work or structure rendered unsuitable for use by disaster when determined

by the council to be essential to the public health, safety or convenience.

(f) Urban tax bonds in the aggregate principal amount of three hundred thousand (\$300,000) dollars issued for the purpose of acquiring furnishings and equipment for metropolitan government purposes.

No approval of qualified electors at an election shall be required for the issuance of any of the bonds referred to in subparagraphs (a) to (f) above, and the referendum upon petition provisions of this article shall not apply to such bonds.

Sec. 7.09. Amount and purpose; obligations; form issuance.

(a) The metropolitan government may issue its bonds or notes in such principal amounts as it shall deem necessary for any of its purposes.

(b) The bonds or notes shall be payable and secured by such source or sources of payment as set forth in the resolution of the council authorizing the issuance of such bonds or notes.

(c) Bonds or notes of the metropolitan government shall be authorized by resolution of the council and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates of interest per annum within such maximum rate as shall be mandated by general law applicable to the metropolitan government, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, be secured and have such rank or priority, be sold and executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the state, and be subject to such terms of redemption, with or without premium, as the resolution provides.

Editor's note—Former § 7.09 was deleted and a new § 7.09 was substituted at an election held Aug. 4, 1983.

Sec. 7.10. Metropolitan bonds negotiable and tax exempt.

All bonds of the metropolitan government shall be and constitute and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the State of Tennessee, regardless of the source or sources of payment of such bonds. No bonds issued hereunder shall be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof, and all such bonds, upon the delivery thereof and payment therefor, or exchange in the case of refunding bonds, shall be conclusively deemed to be the valid and legally binding obligations of the metropolitan government

in accordance with the terms thereof, and shall be incontestable in the hands of the purchasers or holders from time to time thereof.

All bonds of the metropolitan government, and the interest thereon, and all properties, revenues and other assets of any utility or other revenue producing enterprise or facility of the metropolitan government shall be exempt from all taxation by the State of Tennessee, or any county, municipality, political subdivision or taxing agency thereof, except for inheritance, transfer and estate taxes.

Sec. 7.11. Refunding bonds.

Bonds may be issued hereunder for the purpose of refunding not more than a like principal amount of any outstanding bonds of the metropolitan government, including any bonds heretofore issued by the County of Davidson or the City of Nashville. Such refunding bonds may be issued without regard to the amount of bonded indebtedness of the metropolitan government, either for general bonds or urban bonds, and without the necessity of the approval of the qualified electors or the holding of any election, and shall not be subject to the referendum on petition provisions of this article. Where the bonds to be refunded have become due, or become due or are called for redemption not more than six months after the delivery of the refunding bonds, the refunding bonds may be delivered and the proceeds thereof escrowed with the fiscal agent of the metropolitan government for the payment of the bonds to be refunded in such manner as the council may prescribe.

Sec. 7.12. Sale.

All bonds issued under this article, except revenue, refunding and special tax bonds, shall be sold by the council at public sale to the highest responsible bidder, after such advertisement as may be prescribed by the council.

Editor's note-Section 7.12 was amended at an election held Aug. 4, 1983.

Sec. 7.13. Temporary financing.

The council may provide for temporary financing of any improvement or property by the issuance of bond anticipation notes in anticipation of the sale of bonds which have been duly authorized hereunder or under any other law, but all such bond anticipation notes, including any renewals thereof, shall finally mature not later than three years from the date of the original notes. All such bond anticipation notes shall have the same security as the bonds in anticipation of which such notes are issued. The council may also provide for the issuance of interim certificates or temporary bonds pending the delivery bonds which have been duly awarded and sold. The council shall

prescribe the dates of issue and maturity, form and all other details of such bond anticipation notes, interim certificates or temporary bonds. The council may also provide that short term financing be done with competitive bidding on the open market.

Sec. 7.14. Bonds issued by resolution of council; notice of right to contest.

All bonds issued under this article shall be authorized by resolution or resolutions adopted by a majority vote of all the members of the council, at any properly convened regular, adjourned or special meeting, which may be the same meeting at which they are introduced. No publication of any resolution, proceeding or notice shall be necessary, except as specifically required by this article.

The council in the resolution authorizing any bonds may provide that after the adoption of such resolution there shall be published in a newspaper published and having general circulation in the area of the metropolitan government, a notice in substantially the following form:

NOTICE

On, 19. . . , the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County adopted a resolution authorizing the issuance of \$. bonds for the purpose of., a copy of which said resolution is on file in the office of the Metropolitan Clerk and open to inspection by any voter or citizen residing in the area of the Metropolitan Government.

For a period of twenty (20) days following the date of the first publication of this notice, any taxpayer or other interested person may file an appropriate suit or proceeding questioning the validity of the bonds proposed to be issued or the legality of the proceedings had in the authorization of such bonds. After the expiration of said twenty days, no one shall have any cause or right of action to contest in any court the legality of said bonds or proceedings or the power and obligation of the Metropolitan Government to pay said bonds from the taxes or other revenues provided in such proceedings or bonds.

Metropolitan Clerk

In the case of tax bonds, however, such notice shall not be published until after the expiration of the period for the filing of a petition for a referendum, or, if such petition shall be filed, then not until after the approval of such bonds at such referendum.

If, pursuant to direction of the council, such notice is published, no one shall have any cause or right of action after the expiration of said twenty-day period, to contest the legality, formality or regularity of such bonds or pro-

ceedings in any court for any cause whatsoever, and the authority to issue such bonds, the legality thereof and the legality of the taxes or other revenues pledged to pay the same, shall be conclusively presumed, and no court shall have any jurisdiction or authority to inquire into such matters.

Sec. 7.15. Bond proceeds constitute trust fund.

The proceeds of the sale of bonds issued under the provisions of this article shall constitute a trust fund, and each issue shall be accounted for separate and apart, to be used exclusively for the purpose or purposes for which said bonds are authorized; but the purchaser of such bonds shall be under no obligation or responsibility to see to the application thereof, and the manner of an application of such proceeds shall in no way affect the rights, remedies or security and sources for payment of the holders of such bonds.

Sec. 7.16. Unissued bonds of county or city.

Any bonds duly authorized but unissued by the County of Davidson or the City of Nashville at the effective date of this Charter⁷ may be issued in the name of and sold by the metropolitan government in accordance with the provisions of the statutes and resolutions under which such bonds were authorized in the same manner and with like effect as though this Charter had not been enacted, it being the intent hereof that the enactment of this Charter shall in no way affect or impair the right of the metropolitan government to complete the sale and issuance of such bonds.

7. April 1, 1963.

Sec. 7.17. Revenue bonds.

In addition to revenue bonds authorized to be issued by any other provision of this Charter or by the provisions of any general law of the State of Tennessee, the council shall have power to authorize the issuance of revenue bonds to finance all or part of the cost of any utility or other revenue producing enterprise or facility, where such revenue bonds are to be payable in whole or in part from the revenues of such utility or other revenue producing enterprise or facility, and to pledge all or any part of such revenues for the payment of such revenue bonds. All of the applicable provisions of this article shall be complied with in the issuance of such revenue bonds. The council may in the proceedings authorizing the issuance of such revenue bonds make and enter into valid and binding covenants with the holders of such revenue bonds including, but not limited to, the appointment of trustees to hold and secure the proceeds of such revenue bonds and such revenues and the application thereof, the fixing and revision of the fees,

rates or other charges for the services and facilities of such utility or other revenue producing enterprise or facility, including reasonable margins of safety, the creation and maintenance of reserve funds, sinking funds and depreciation funds, the appointment of a receiver in case of defaults in payment of debt service or performance of such covenants and such other covenants as are deemed necessary and advisable for the marketability of such revenue bonds and the security of the holders thereof.

Sec. 7.18. Combined tax and revenue bonds.

The council may also issue combined tax and revenue bonds if deemed advisable, or pledge any other security permitted by law to the payment of such revenue bonds in addition to such revenues from such utility or other revenue producing enterprise or facility; provided, however, that if ad valorem taxes are pledged for the payment of all or any part of bonds for which such revenues are also pledged, the provision for a referendum on petition on issuance of tax bonds provided herein shall apply to such revenue bonds for which ad valorem taxes are also pledged.

Sec. 7.19. Refunding revenue bonds.

The council shall also have power to issue refunding revenue bonds to refund any revenue bonds theretofore issued, including any revenue bonds theretofore issued by the County of Davidson or the City of Nashville, or to issue refunding and improvement revenue bonds for the combined purpose of refunding outstanding revenue bonds and to finance additions, extensions and improvements to such utility or other revenue producing enterprise or facility, and all of the applicable provisions of this article shall be complied with in the issuance of said refunding revenue bonds or combined refunding and improvement revenue bonds.

Sec. 7.20. Debt service funds.

There shall be a general services district debt service fund and an urban services district debt service fund for the amortization of general bonds and urban bonds respectively, including bonds issued prior to the effective date of this Charter by the County of Davidson and the City of Nashville which have been allocated to such districts under the provisions of this article. Such debt service funds shall consist of the cash and securities in the debt service funds for bonds issued by the County of Davidson and the City of Nashville prior to the effective date of this Charter and such funds hereinafter required to be paid into such funds and the interest earned on the investment thereof. The debt service funds for the bonds heretofore issued by the County of Davidson and the City of Nashville shall be

transferred to the debt service fund of the district to which such bonds are allocated by this article. Nothing contained herein, however, shall affect any debt service funds for any revenue bonds or other bonds which are required by the proceedings which authorized any bonds to be maintained as separate and segregated debt service funds for such bonds, and such sinking funds shall be transferred to the metropolitan government and segregated and maintained in the manner provided in the proceedings which authorized the issuance of such bonds.

All such debt service funds may be invested only in bonds which are full faith and credit general obligations of the metropolitan government, the State of Tennessee, the County of Davidson, the City of Nashville, the United States of America, or in such securities as may be provided in the proceedings which authorized such bonds.

There shall be included in the annual tax levy ordinances for the general services district and the urban services district, over and above all other taxes assessed therein, a sum sufficient to meet the interest and redemption charges on all tax bonds due or to be paid in the ensuing year and issued for or allocated to such districts respectively, together with a sum sufficient to reimburse the general fund for any appropriation made or to be made therefrom for the payment of any such interest or redemption charges.

All moneys paid into any debt service fund shall be used exclusively for the purchase, retirement or payment of the outstanding bonds for which such debt service funds are created and maintained, and the metropolitan treasurer shall keep a record of all receipts and disbursements of the debt service funds and shall report the same to the mayor and council quarterly in each fiscal year.

Should any levy for debt service fund purposes, except in the case of bonds payable solely from revenues, fail for any reason whatsoever to provide sufficient funds to meet the redemption and interest charges for bonds in any year, sufficient amounts shall be paid from either the general fund of the general services district or the urban services district for such redemption and interest charges, subject to reimbursement from subsequent levies in the general services district or the urban services district, as the case may be.

If either the general services district debt service fund or the urban services district debt service fund shall accumulate a surplus sufficient to retire bonds callable and chargeable to such funds, the metropolitan treasurer, with the approval by resolution of the mayor and council, may purchase any of such bonds at a price not exceeding the redemption price thereof on the next ensuing redemption date or may call for prior redemption any of such bonds on the next ensuing redemption date in the manner provided

in the proceedings which authorized the issuance of such bonds.

The metropolitan treasurer shall deduct monthly, or cause to be deducted monthly, the amounts realized from the inclusion in the annual tax levy ordinances of the general services district and the urban services district of the necessary sums in conformity with the subject to the above debt service fund provisions and shall deposit, or cause to be deposited, the same in the metropolitan government depositories to the credit of the appropriate district debt service fund accounts, which funds shall be kept separate and apart from all other funds of the metropolitan government.

All bonds issued prior to the effective date of this Charter by the County of Davidson, and all bonds authorized but unissued by the County of Davidson at the effective date of this Charter and thereafter issued by the metropolitan government, shall be allocated to the general services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services district.

All bonds issued prior to the filing date of this Charter by the City of Nashville, except for the bonds described in the next paragraph, shall be allocated to the general services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services district, and it is hereby found and determined that all such bonds were issued to finance all or part of the cost of improvements or properties which render or will render services or benefits to all or substantially all the inhabitants of the general services district. All debt service funds for such bonds shall be transferred to the general services district debt service fund.

The following described bonds issued prior to the filing date of this Charter by the City of Nashville shall be allocated to the urban services district and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenue collected in the urban services district:

CITY OF NASHVILLE BONDS—URBAN SERVICES DISTRICT

Fire Department			
Original Date of Issue	Final Maturity	Title of Issue	Principal Outstanding June 30, 1962
12-4-33	12-1-63	Fire Hall Improvement Bonds of 1933	\$ 10,000
6-15-57	6-15-57	Fire Department Improvement Bonds of 1957.....	85,000

6-15-60	6-15-90	Fire Department Construction, Improvement and Equipment Bonds of 1960	985,000
		Total	1,080,000

Street, Alley and Sewer

6-1-45	6-1-74	Street, Alley and Sewer Bonds of 1945-A.....	795,000
6-1-45	6-1-74	Street, Alley and Sewer Bonds of 1945-B.....	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-A.....	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-B.....	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-C.....	795,000
6-1-48	6-1-78	Street, Alley and Sewer Bonds of 1948-D.....	795,000
		Total	3,411,000

Sewers

4-1-26	4-1-66	Sanitary Sewer Bonds of 1925 Series A	44,000
11-1-27	11-1-67	Sanitary Sewer Bonds of 1925 Series B	65,000
11-1-28	11-1-68	Sanitary Sewer Bonds of 1925 Series C	108,000
8-1-29	8-1-69	Lateral Sanitary Sewer Bonds of 1929.....	77,000
12-4-33	12-1-63	Sewer Extension Bonds of 1933.....	33,000
9-1-47	9-1-77	Sewer Bonds of 1947	260,000
5-1-53	5-1-93	Sewer Bonds of 1953	420,000
3-1-54	3-1-64	Sewer Construction and Improvement Bonds of 1954.....	20,000
11-1-54	11-1-85	Sewer Bonds of 1954.....	770,000
5-1-56	5-1-86	Sanitary Sewer Bonds of 1956.....	750,000
7-1-58	7-1-78	Airport Sewer Construction Bonds of 1958	220,000
7-1-58	7-1-88	Sanitary Sewer Bonds of 1958.....	960,000
6-15-60	6-15-90	Sewer and Utility Relocation and Land Acquisition Bonds of 1960	485,000
6-15-61	6-15-00	Sewer Bonds of 1961	5,500,000
		Total	9,709,000

Capitol Hill

9-1-50	9-1-90	Capitol Hill Improvement Bonds of 1950	775,000
9-1-55	9-1-95	Capitol Hill Improvement Bonds of 1955.....	2,050,000
		Total	2,825,000

Waterworks

8-1-29	8-1-69	Water Extension Bonds of 1929	61,000
12-4-33	12-1-63	Waterworks Extension Bonds of 1933	20,000
6-1-45	6-1-74	Waterworks Bonds of 1945-A	135,000
6-1-45	6-1-74	Waterworks Bonds of 1945-B.....	135,000
4-1-48	4-1-68	Waterworks Bonds of 1948.....	70,000
12-1-48	12-1-88	Waterworks Bonds of 1948-A	1,525,000
12-1-48	12-1-88	Waterworks Bonds of 1948-B.....	1,525,000
1-1-52	1-1-92	Combined Water and Sewer Bonds of 1952.....	920,000
		Total	4,391,000

Miscellaneous

5-1-24	5-1-64	T. C. Railroad Refunding Bonds of 1924	64,000
4-1-42	4-1-64	Public Improvement Repair and Replacement Bonds of 1942	20,000
6-15-57	6-15-77	Garbage Collection and Disposal System Bonds of 1957.....	107,000
6-15-57	6-15-77	Equipment and Improvements Bonds of 1957	130,000
1-15-60	1-15-90	Urban Renewal Bonds of 1960 Series A-1	1,375,000
1-15-60	1-15-90	Urban Renewal Bonds of 1960 Series A-2	950,000
		Total	2,646,000
		Grand Total.....	\$24,062,000

Any bonds issued by the City of Nashville after the filing date of this Charter and before the effective date of this charter, and any bonds authorized but unissued by the City of Nashville at the effective date of this Charter and thereafter issued by the metropolitan government, shall be allocated either to the general services district or the urban services district in such manner and amounts as the council shall determine, consistent with the allocation of functions between the general and the urban services districts, and the principal of and interest on such bonds shall be paid

from ad valorem taxes or other revenues collected in the district so determined by the council.

Any revenue bonds issued prior to the effective date of this Charter by the County of Davidson or the City of Nashville, and any revenue bonds authorized but unissued by said county or said city at the effective date of this Charter and thereafter by the metropolitan government, shall be payable as to principal and interest from the revenues or other sources and in the manner provided in the proceedings which authorized the issuance of such revenue bonds.

Neither the allocation of bonds to the general services district or the urban services district nor any of the other provisions of this charter shall impair or diminish any of the rights, remedies or security and sources for payment of any of such bonds or revenue bonds issued by the County of Davidson or the City of Nashville prior to the effective date of this Charter, or authorized but unissued by the County of Davidson or the City of Nashville at the effective date of this Charter and thereafter issued by the metropolitan government, and such holders of such bonds or revenue bonds shall have and be entitled to enforce any and all rights, remedies and security and sources for payment granted such holders by the proceedings which authorized the issuance of such bonds or revenue bonds as fully and to the same extent as if this Charter had not been adopted.

ARTICLE 8. METROPOLITAN DEPARTMENTS

CHAPTER 1.

DEPARTMENT OF METROPOLITAN FINANCE.

Sec. 8.101. Created; functions.

There shall be a department of metropolitan finance, which shall consist of the director thereof, of other personnel hereinafter mentioned and of such other positions and employees as may be provided by ordinance or by regulations of the director consistent with ordinance. The department of finance shall administer the financial affairs of the metropolitan government in accordance with the provisions of this Charter and applicable ordinances.

Sec. 8.102. Director of finance—Qualifications, appointment and compensation.

The director of finance shall have proven administrative ability and a well founded reputation in public finance, or a record of exceptional performance for at least five (5) years as a comptroller or financial head of a large business. The mayor shall appoint the director of finance subject to confirmation by a majority of the whole membership of

the council. He shall serve at the pleasure of the mayor making the appointment and until his successor is qualified. The director's salary shall be fifteen thousand (\$15,000) dollars per annum, payable semimonthly.

Sec. 8.103. Same—Powers and duties.

The director of finance shall be responsible to the mayor for the administration of the financial affairs of the metropolitan government, and to that end shall supervise the division of budgets, the division of accounts, the division of collections, the division of treasury, the division of purchases, and such other units as may be established by ordinance.

The director of finance or his designated divisional director shall:

(a) Compile for the mayor the current budget of estimated revenues and proposed expenditures for each of the operating funds of the metropolitan government; and assist in the preparation of the capital improvements budget, as provided by section 6.13 of this Charter.

(b) Maintain accounting systems for the general services district and the urban services district of the metropolitan government, and for each department, office and agency thereof, in accordance with generally recognized governmental accounting principles and procedures, keeping accounting records for and exercising financial and budgeting control over such department, office or agency.

(c) Prescribe the accounts to be kept by all departments, offices and agencies of the metropolitan government, the form of receipts, vouchers, bills or claims, warrants, requisitions, purchase orders or any financial stationery to be used, and provide suitable instructions for the use thereof, and to review and approve the forms and procedures of the trustee and the tax assessor.

(d) Prescribe the times and the manner in which moneys received by any department, office or agency shall either be paid to the metropolitan treasurer or deposited in a bank account to the credit of the metropolitan government.

(e) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations against the metropolitan government, and approve the same only upon ascertaining that there is an unexpended, unencumbered and unimpounded balance in each such appropriation and allotment to which they are applicable, sufficient to cover such potential obligation.

(f) Audit before payment all bills, invoices, payrolls and other claims, demands or charges against the metropolitan government and approve the same only if proper, legal and correct, and duly authorized by appropriations or allotments of appropriations.

(g) Periodically inspect and audit the accounts and records of financial transactions maintained in each department, office and agency of the metropolitan government.

(h) Submit a monthly financial report to the mayor, for presentation to the council, showing the financial condition of the various funds of the metropolitan government, as well as the condition of all items included in the adopted annual operating budget, including estimated revenues, revenues received, appropriations and allotments for such appropriations.

(i) Prepare a complete annual report of the financial activities of all funds and all departments, boards, commissions, and agencies of the metropolitan government.

(j) Subject to the approval of the mayor, instruct the treasurer to invest the moneys of any fund in securities of the metropolitan, state or federal government and/or place them on interest bearing deposit in a bank or banks where it is anticipated that the funds will not be needed for a period of ninety days or more.

(k) With the assistance of the department of law and the metropolitan planning commission, establish standard procedures for acquiring and disposing of land for metropolitan departments, boards and commissions, exclusive of land acquisition for the Nashville Electric Service and the Nashville Housing Authority.

(l) Maintain an inventory of public property and equipment.

(m) Provide for a central records retention program.

(n) Perform such other duties as may be assigned by this Charter or by ordinance.

(o) Provide the vice mayor, with the approval of a majority of the whole membership of the council, with access to any financial information in the possession of the department of finance.

Editor's note—The addition of subsection (o) to this section was approved at an election held Aug. 4, 1983.

Sec. 8.104. Division of budgets created; functions of budget officer.

There shall be in the department of finance a division of budgets, which shall consist of the budget officer and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The budget officer shall be appointed for a indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of budgets. The budget officer shall have at least five (5) years' experience in which budget preparation, administration, and/or accounting systems shall have been his major responsibility. The budget offi-

cer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The budget officer shall compile, under the supervision of the director of finance, the departmental estimates and other data necessary or useful to the mayor and the director of finance, and assist in the preparation of the budgets. He shall examine from time to time the departments, boards, commissions, officers and agencies of the metropolitan government in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the department heads and the mayor to any improvements or economies which might be made in their administrative practices and cooperate with the heads thereof in the preparation of their budget estimates for the ensuing fiscal year.

He shall carry on a continuous research program in systems and methods so as to keep current in all phases of data processing, business methods and the like; and make recommendations from time to time to the director of finance for utilizing to advantage the newest equipment and methods. The budget officer, with the advice and assistance of the chief accountant, shall write, revise and maintain a proper standard procedure instruction manual to be followed by all officers, departments, boards and other agencies of the government to insure uniform accounting and budgetary procedures.

Sec. 8.105. Division of accounts created; duties of chief accountant.

There shall be in the department of finance a division of accounts, which shall consist of the chief accountant and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The chief accountant shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of accounts. The chief accountant shall have at least five (5) years of responsible supervisory experience in general accounting and/or internal auditing. The chief accountant's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The chief accountant shall maintain (1) a general accounting system and such cost accounting records as shall be required by the director of finance, and (2) budgetary control records designed to prevent expenditures in excess of appropriations or allotments. He shall prepare disbursement warrants and conduct a thorough preaudit to all claims on all funds, including payrolls, before payment and shall maintain a current audit control over cash receipts. The chief accountant shall perform such other du-

ties as may be assigned him by ordinance or by the director of finance.

Sec. 8.106. Division of treasury created; duties of metropolitan treasurer.

There shall be in the department of finance a division of treasury, which shall consist of the metropolitan treasurer and such other officers and employees as may be provided by ordinance or by the director of finance consistent with ordinance. The metropolitan treasurer shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter, and he shall be the head of the division of treasury. The metropolitan treasurer shall have at least five (5) years' experience in which the supervision of fiscal affairs or treasury management shall have been his major responsibility. The metropolitan treasurer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The metropolitan treasurer shall supervise and be responsible for the custody and disbursement of all funds belonging to the metropolitan government and all funds handled by metropolitan government officers as agents or trustees except as otherwise provided in this Charter or by ordinance or general law not inconsistent with this Charter. He shall pay moneys out of the treasury only by checks which have been approved by the division of accounts.

Sec. 8.107. Division of collections created; duties of collections officer.

There shall be in the department of finance a division of collections, which shall consist of the collections officer and such other officers and employees, organized into such units, as may be provided by ordinance or by the director of finance consistent with ordinance. The collections officer shall be appointed for an indefinite term by the mayor, subject to the civil service provision of this Charter, and he shall be the head of the division of collections. The collections officer shall have at least five (5) years' experience in which the supervision of financial activities shall have been his major responsibility. The collections officer's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. It shall be the duty of the collections officer to collect and receive delinquent real and personal property taxes or tax equivalents and all merchants' ad valorem taxes that have been delinquent for more than six (6) months as well as any interest and penalties thereon. The collections officer shall collect and receive all revenues, income and moneys due the metropolitan government accruing to the urban services district, the general services district, or any other source, except as otherwise provided for by other parts of this Charter, by ordinance, or by the general law.

Sec. 8.108. Division of purchases created; appointment and qualification of purchasing agent.

There shall be in the department of finance a division of purchases, which shall consist of the purchasing agent and such other officers and employees, organized into such units, as may be provided by ordinance or by the director consistent with ordinance. The purchasing agent shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter. The purchasing agent's salary shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. He shall be a person with at least five (5) years experience in private business or governmental purchases and property management, control and accountability. The purchasing agent shall have the responsibility of the general management and control of the division and shall have the power to make rules and regulations for the administration of the division subject to the approval of the director of finance.

Sec. 8.109. Function of division of purchases.⁸

Except as provided in this section, the division of purchases shall purchase, or obtain by lease or rental, for the use of the metropolitan government and its departments, boards, commissions, officers and agencies all necessary and appropriate supplies, materials, equipment, other personal property, contractual services, insurance and surety bonds. The council may establish by ordinance rules and regulations, defining emergencies, under which designated items, including perishables, may be purchased or obtained without compliance with purchasing procedures established in this chapter. The electric power board, the Nashville Housing authority, the board of education and such other agencies as may be specified by ordinance shall be excluded from the purchasing procedures established in this chapter, except to the extent otherwise herein specifically provided.

8. Sheriff, as an officer of the metropolitan government, is subject to and bound by the purchasing provisions of the Metropolitan Charter. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.110. Powers and duties of purchasing agent.

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

(a) With the approval of the director of finance and the mayor, and after consultation with the heads of the using agencies concerned, to establish and enforce standard

specification for all supplies, materials and equipment required by the metropolitan government which the purchasing agent has authority to purchase or lease.

(b) To prescribe the time of making requisitions for such supplies, materials and equipment and the future period which such requisitions are to cover.

(c) To inspect, or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications.

(d) To supervise and control storerooms, mailing, messenger, central duplicating and printing services and facilities provided for the various agencies of the metropolitan government as provided by ordinance.

(e) To transfer to or between using agencies, with the approval of public property director, sell or trade in supplies, materials or equipment determined by him, after consultation with the heads of the using departments or agencies concerned, to be surplus obsolete or unused.

(f) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in this Charter, and to have such other powers and to perform such other duties as may be provided by ordinance.

(g) To submit a monthly report of his activities to the director of finance. The director of finance may assign the functions set forth in subsections (c), (d) and (e) of this section to some other division in his department.

Sec. 8.111. Competitive bidding for purchases or sales.

Before making any purchase or contract requiring expenditure of a sum in excess of one thousand dollars (\$1,000), the purchasing agent shall take competitive bids, pursuant to Tennessee Code Annotated, Section 7-3-307, as the same may be amended, and under such rules and regulations as may be established by ordinance. Before making a sale the purchasing agent shall require competitive bids. The making of all other purchases or contracts by the purchasing agent shall be under such conditions, rules and regulations as may be prescribed by ordinance. The purchasing agent may reject any and all bids received for purchases or sales.

Editor's Note: The first sentence of § 8.111 was amended by referendum election held November 5, 1996.

Sec. 8.112. Division of public property administration.

There shall be in the department of finance a division of public property administration, which shall consist of the

director of public property and such other officers and employees, organized into such units as may be provided by ordinance or by the director consistent with ordinance. The director of public property administration shall be appointed for an indefinite term by the mayor, subject to the civil service provisions of this Charter. The director of public property administration shall administer the duties of the department of finance arising from section 8.103 (k) and (l) of this Charter and shall perform such other duties as may be assigned by the director of finance or by ordinance.

RELATED FISCAL PROVISIONS

Sec. 8.113. Division of tax assessment created; metropolitan tax assessor.

There shall be, as an independent agency of the metropolitan government, a division of tax assessment, the head of which is designated as the metropolitan tax assessor. The county tax assessor, elected for a term of four (4) years and provided for by general law in Tennessee Code Annotated, sections 67-1-502 to 67-1-505, inclusive, shall be the metropolitan tax assessor. He shall have the same powers, duties and liabilities with respect to assessment of properties in the area of the metropolitan government as by general law and private act are possessed by or imposed upon county and municipal tax assessors, except as herein provided in this Charter. In ascertaining the value of property, the tax assessor shall give particular consideration to the extent to which availability or nonavailability of sewers and other governmental services affects the actual cash value of the property. The metropolitan tax assessor shall make merchants' ad valorem assessments⁹ in and for both the general services district and the urban services district. The assessments made by him shall be the assessments to which the tax levy by the council for the general services district shall apply and to which the tax levy by the urban council for the urban services district shall apply. The assessor may assess all property annually and he shall separately total the assessments in the urban services district and the general services district. (Res. No. 88-526, § 6, 10-4-88)

9. Assignment by this Charter of duty of assessing merchants' ad valorem taxes to metropolitan tax assessor is a valid exercise of power under T.C.A., § 6-3701 et seq., and is not an unconstitutional reduction of powers of county clerk. While office of county clerk is created by Constitution, his powers are established, and may be changed, pursuant to general law. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

Sec. 8.114. Compensation, surety bond, oath of office and assistants of tax assessor.

The metropolitan tax assessor's salary shall be fifteen thousand dollars (\$15,000.00), per annum, payable semi-monthly. This salary may not be changed during the four (4) years for which the tax assessor is elected.

The metropolitan tax assessor shall give surety bond as provided by Tennessee Code Annotated, section 67-1-505, in the case of county tax assessors, the same to be approved by the mayor. He shall take an oath of office as provided by Tennessee Code Annotated, section 67-1-507, for county tax assessors, the same to be filed in the office of the metropolitan clerk.

The metropolitan tax assessor shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance and by his annual budget appropriations. Deputies appointed by him shall have the powers and duties and liabilities of the tax assessor. All employees of the assessor other than these deputies shall be employed in accordance with civil service regulations. (Res. No. 88-526, §§ 7, 8, 10-4-88)

Sec. 8.115. Vacancies in office of tax assessor.

Vacancies in the office of the metropolitan tax assessor shall be filled by the metropolitan county council. The person so appointed to fill a vacancy shall serve the remainder of the unexpired term, or until the first of September following the next regular August election, whichever is earlier. When a vacancy occurs more than thirty (30) days prior to a regular August election, at which a tax assessor is not to be elected for a full term, then a tax assessor shall be elected at such election for the remainder of the term.

Sec. 8.116. Division of property tax collections created; county trustee designated metropolitan trustee.

There shall be as an agency of the metropolitan government, a division of property tax collections, the head of which shall be the county trustee, sometimes herein called metropolitan trustee. He shall be elected for a four-year term as provided by general law. The trustee shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance within his annual budget appropriations or as may be approved by rulings of chancery court. Deputies appointed by him as approved in rulings by chancery court shall have the powers, duties and liabilities of the trustee. All employees of the trustee other than these deputies shall be employed in accordance with civil service regulations.¹

The trustee shall collect and receive real and personal property taxes or tax equivalents and all merchants' ad valorem taxes due the metropolitan government for the general services district and the urban services district. He shall daily remit the same to the metropolitan treasurer.² With respect to said real and personal property taxes and merchants' ad valorem taxes, the trustee shall have all the powers, duties and responsibilities vested by general law in county trustees as to state, county and municipal taxes, except as otherwise provided in this Charter.

For six (6) months after the aforementioned taxes shall become delinquent the trustee shall collect such taxes, as well as interest and penalties thereon. At the end of said six (6) months' period, the trustee shall transmit to the collections officer or to such other agency as may be designated by ordinance a balanced and reconciled report of all taxes remaining delinquent. Prior to such transmittal there shall be an internal audit by the division of accounts and after such transmittal it shall be the duty and responsibility of the collections officer or other designated agency to collect said delinquent taxes.

1. The requirement that persons other than deputies appointed by the metropolitan trustee be employed in accordance with civil service regulations is not so arbitrary as to violate due process, and supersedes conflicting general law. *Robinson v. Briley*, 213 Tenn. 418, 374 S.W. 2d 382 (1963).
2. Assignment by this Charter of duty of collecting merchants' ad valorem taxes to metropolitan trustee, which duty is assigned by general law to county clerk, is a valid exercise of power under T.C.A., § 6-3701 et seq., and supersedes the conflicting general law. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

The sole duty of the metropolitan trustee in regard to real and personal property taxes and merchants' ad valorem taxes is to collect such taxes or tax equivalents and remit them daily to the metropolitan treasurer. He may not retain them for payment of salaries, expenses, etc. The requirement that he remit such taxes daily is a valid requirement, and supersedes conflicting general law. *Robinson v. Briley*, 213 Tenn. 418, 374 S.W. 2d 382 (1963).

Sec. 8.117. Bond of metropolitan trustee.

The official bond of the metropolitan trustee shall be executed by a surety company authorized to transact business in Tennessee. The minimum amount of bond shall be fixed by ordinance, however it shall be at least equal to the minimum set forth in Tennessee Code Annotated, section 8-11-103, for county trustees.

It shall be the duty of the mayor to examine into the solvency of the trustee's bond and if the bond be found to be insufficient, as provided by law it shall be the duty of the mayor to notify him of the fact and to require him to give new or additional security in such sum as may be

fixed upon by the council on the recommendation of the mayor. If the required bond or security be not given within one (1) month, it shall be the duty of the council, and it shall have the power, to declare the office vacant. (Res. No. 88-526, § 9, 10-4-88)

Sec. 8.118. Powers and duties of county court clerk.

There shall be as an independent agency of the metropolitan government, the office of county court clerk, the head of which shall be the county court clerk, elected for a term of four (4) years as provided by the constitution and the general laws of the state. The county court clerk shall be furnished with such deputies, office personnel, material and supplies as he may need for the proper functioning of his office and as may be provided by ordinance and within his annual budget appropriations. Deputies appointed by him as approved in rulings by chancery court shall have the powers and duties and liabilities of the county court clerk. All employees of the county court clerk, other than these deputies, shall be employed in accordance with civil service regulations. Nothing in this Charter is intended or shall be construed to alter or affect the powers, duties and responsibilities of the county court clerk as a collector of state privilege licenses or other state revenues or as the clerk of the probate court or monthly county court. However, all fees, revenues, incomes, commissions, emoluments and prerequisites of the office of county court clerk shall accrue to the metropolitan government and shall be deposited with the metropolitan treasurer daily, except as otherwise provided by ordinance.

Nothing in this section shall be construed as authorizing or empowering the county court clerk to assess or collect such taxes as may be provided for in the division of tax assessment, division of property tax collections and division of collections of the department of finance.

Sec. 8.119. Appointment of deputies of metropolitan trustee and county court clerk.

The metropolitan trustee and the county court clerk shall make application for the employment of deputies in accordance with the provisions of Tennessee Code Annotated, section 8-20-101. The above-named officer in his petition shall name the mayor as the party defendant thereto. (Res. No. 88-526, § 10, 10-4-88)

Sec. 8.120. Date taxes payable; interest and penalty for delinquency.

Ad valorem taxes, including merchants' ad valorem, due by reason of the tax levied in the general services district shall become due and payable on the first day of Oc-

tober in each year. The general laws with respect to collection, delinquency, interest, penalties and the lien of taxes shall be applicable to the general services district.

All ad valorem taxes, including merchants' ad valorem, due by reason of the tax levy in the urban services district shall become due and payable on the first of August of the year for which they are assessed, and that such taxes may be paid in two (2) installments, as follows: One-half of the tax to be paid between August 1 and September 30 the year for which they are assessed, without interest or penalty; and the remaining one-half after the first half is paid to be paid not later than January 10 without interest and penalty. The general laws with respect to collection, delinquency, interest, penalties and the lien of taxes shall be applicable to the urban services district except that the date of delinquency shall be January 11.

CHAPTER 2. DEPARTMENT OF METROPOLITAN POLICE

Sec. 8.201. Created.

There shall be a department of metropolitan police, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.202. Responsibility and powers of department.

The department of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government.³ The director and other members of the metropolitan police force shall be vested with all the power and authority belonging to the office of constable by the common law and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities.

3. Designation of police department, rather than sheriff as principal conservator of the peace is a valid exercise of power under T.C.A., § 6-3701 et seq. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.203. Chief of police as director; his powers and duties.

The department of metropolitan police shall be under the general management and control of a director thereof, who is designated the chief of police. The chief of police shall establish zones and precincts and assign members of the department to their respective posts, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment for their training. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the chief of police or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the chief of police or violations of the rules and regulations made by him with the approval of the metropolitan mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of article 12 of this Charter.

Sec. 8.204. Appointment of director; filling other vacancies in department.

A permanent vacancy in the office of director shall be filled by appointment of the mayor, subject to the civil service provisions of this Charter and subject to qualifications to be prescribed by the civil service commission designed to secure a person especially qualified for the position by training and experience. A temporary vacancy in the office of director due to sickness, absence or other disability shall be filled by appointment of the mayor.

A vacancy in any office, position or employment in the department shall be filled by appointment of the chief of police, subject to the approval of the mayor and consistent with the civil service provisions of this Charter.

Sec. 8.205. Special police.

The chief of police may appoint, in his discretion and upon the application of any individual, firm or corporation showing the necessity thereof, one or more special policemen, to be paid by the applicant, who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. Special policemen shall be subject to the rules and regulations of the department of metropolitan police and their appointments shall be revocable at any time by the chief of police with the approval of the mayor. Before entering upon the performance of their duties, special policemen shall execute and file with the metropolitan

clerk a public officer's liability bond in such amount as may be fixed by resolution of the metropolitan council.

Sec. 8.206. School mothers' patrol.

The chief of police may establish, and shall establish if directed by ordinance, a school mothers' patrol division in the department, which shall assume the duties and functions of the school mothers' patrols of the former City of Nashville and the former County of Davidson.

Sec. 8.207. Volunteer police reserve authorized.

The director may, and if directed by ordinance, shall establish a voluntary auxiliary police reserve to serve without compensation in cases of emergency and in aid of civil defense. Where established by the director, he shall promulgate rules, to be approved by the mayor, for the organization and operation thereof.

Sec. 8.208. Qualifications of personnel.

After the effective date of this Charter,⁴ no person shall be eligible to appointment to any position in the department except as a regular salaried employee in the classified service. Every appointee shall be a citizen of the United States of America; shall meet the physical requirements for admission to either the United States Army or Navy at the time of appointment and again at the close of the working probationary period; and shall comply with all applicable rules and regulations of the civil service commission.

To determine whether applicants for positions in the department possess the required physical qualifications, the chief medical director may provide for conducting physical examinations and report his findings to the civil service commission.

4. April 1, 1963.

Sec. 8.209. Salaries.

The annual compensation of the director, payable semimonthly, shall be twelve thousand (\$12,000) dollars. The salaries of the other officers and employees of the department shall be as fixed in the pay plan adopted pursuant to article 12 of this Charter.

Sec. 8.210. Work week and vacations.

Every member of the department shall be entitled to two (2) days off each week and to an annual vacation of twenty (20) days without deduction of pay. The time for vacations shall be determined and assigned by the chief of police. All members of the department shall be subject to call and assignment to duty at any time during an emergency.

CHAPTER 3.

DEPARTMENT OF FIRE.

Sec. 8.301. Created.

There shall be a department of fire, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.302. Function of department.

The department of fire shall be responsible for the protection against fire of life and property within the urban services district and within other areas covered by contracts authorized by ordinance.

Sec. 8.303. Fire chief as director; powers and duties.

The department of fire shall be under the management and control of a director thereof, who is designated the fire chief. He shall assign members of the department to stations, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the metropolitan mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment and their training. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the fire chief or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the fire chief or violations of the rules and regulations made by him with the approval of the mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of article 12 of this Charter.

Sec. 8.304. Appointment of director; filling other vacancies in department.

A permanent vacancy in the office of director shall be filled by appointment of the mayor, subject to the civil service provisions of this Charter and subject to qualifications to be prescribed by the civil service commission designed to secure a person especially qualified for the position by training and experience. A temporary vacancy in the office of director due to sickness, absence or other disability shall be filled by appointment of the mayor.

A. vacancy in any office, position or employment in the department shall be filled by appointment of the fire chief, subject to the approval of the mayor and consistent with the civil service provisions of this Charter.

Sec. 8.305. Fire prevention.

The department of fire shall recommend to the council for adoption as ordinances such rules and regulations for the prevention of fire as may appear necessary and proper. In the enforcement of such rules and regulations, when adopted, the department shall act through the fire marshal.

Sec. 8.306. Qualifications of personnel.

After the effective date of this Charter,⁵ no person shall be eligible to appointment to any position in the department except as a regular salaried employee in the classified service. Every appointee shall be a citizen of the United States of America; shall meet such physical requirements as shall be prescribed by the civil service commission; and shall comply with all applicable rules and regulations of the civil service commission.

To determine whether applicants for positions in the department possess the required physical qualifications, the chief medical director may provide for conducting physical examinations and report his findings to the civil service commission.

5. April 1, 1963.

Sec. 8.307. Salaries.

The annual compensation of the director, payable semimonthly, shall be twelve thousand (\$12,000) dollars. The salaries of the other officers and employees of the department shall be as fixed in the pay plan adopted pursuant to article 12 of this Charter.

Sec. 8.308. Work week and vacations.

Every member of the department shall be entitled to two days off each week and to an annual vacation of twenty days without deduction of pay. The time for vacations shall be determined and assigned by the fire chief. All members of the department shall be subject to call and assignment to duty at any time during an emergency.

CHAPTER 4.

DEPARTMENT OF PUBLIC WORKS.

Sec. 8.401. Created.

There shall be a department of public works, which shall consist of the director of public works and such other officers and employees organized into such divisions and

other units as may be provided by ordinance or by the orders of the director consistent therewith and approved by the mayor.

Sec. 8.402. Functions.

The department of public works shall be responsible for:

(a) The design, construction, maintenance, repair and cleaning of roads, highways, streets, alleys, storm sewers, other public places, bridges, viaducts, and other related structures.

(b) The collection and disposal of garbage and other refuse, and maintenance and operation of facilities for the disposal of same.

(c) Control of the servicing, maintenance and repair of automotive equipment, except as the same by ordinance may be assigned in whole or in part to another department or agency of the metropolitan government.

(d) Construction of capital improvement projects by its own employees, whenever so authorized or directed by ordinance or by the mayor.

(e) Making and preparing such plans, specifications, estimates, surveys, maps, designs, drawings and reports as may be requested from time to time by the council, by the mayor or by the head of any department or any board, commission or agency of the metropolitan government acting with the approval of the mayor, and supervision of the execution and performance of all contracts for capital improvement projects, the plans and specifications, for which were prepared by the department of public works.

(f) The administration and enforcement of all laws, ordinances and regulations relating to permits and licenses, including those relating to weights and measures, electrical installations, building and construction, plumbing, taxicabs, miscellaneous industrial and commercial uses, elevators, water, sewer and gas installations, public gatherings and tourist camps; provided, that all licenses and permits issued shall be approved or regulated by such other offices, agencies or boards of the metropolitan government as may be provided from time to time by ordinance; and provided further, that the council may by ordinance transfer and assign this function to a newly created department of licenses and permits.

(g) Such other powers and duties as are assigned to the department by this Charter or may be assigned thereto by ordinance or by action of the mayor.

Sec. 8.403. Supervision, certification and approval of payment for certain capital improvement projects.

Unless otherwise specifically provided for in this Charter, no payment upon any contract for capital improvement

projects shall be made by the metropolitan government without the written certification of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract. Unless otherwise specifically provided in this Charter, when the plans and specifications for any capital improvement project have been prepared by some person or agency other than the department of public works, the performance of the contract may be supervised and certification required by the department of public works before payment shall be made in accordance with the terms and provisions of the contract.

Sec. 8.404. Director of public works—Qualifications and compensation.

The head of the department of public works shall be the director, whose annual compensation, payable semi-monthly, shall be fifteen thousand (\$15,000) dollars. A permanent vacancy in the office of director shall be filled by appointment made by the mayor, subject to the civil service provisions of this Charter. He shall have had at least five (5) years' experience in industry or in municipal or metropolitan public works and shall be licensed for the practice of engineering in Tennessee by the state board of architectural and engineering examiners. In the event of temporary vacancy in the office of director due to sickness, absence or other disability, a temporary appointment may be made by the mayor, subject to the civil service provisions of this Charter.

Sec. 8.405. Same—Powers and duties.

The director of public works shall have general management and control of the several divisions and units of the department. He shall appoint and remove, subject to the civil service provisions of article 12 of this Charter, all officers and employees of the department and shall have power to make rules and regulations for the conduct of the business of the department consistent with this Charter and the ordinances of the metropolitan government.

Sec. 8.406. Custody of maps and plans.

The department of public works shall have custody of all maps or plans or any part thereof which were on file immediately prior to the effective date of this Charter⁶ in the offices of the director of public works of the City of Nashville or the County Highway Engineer of the County of Davidson and all such maps and plans hereafter made and not expressly required by law or ordinance to be filed in some other place; provided, that all plans, records, etc., pertaining to the sanitary sewerage system which are in the custody of the department of public works on the effective

date of this Charter shall be turned over to the department of water and sewerage services.

6. April 1, 1963.

CHAPTER 5.

DEPARTMENT OF WATER AND SEWERAGE SERVICES.

Sec. 8.501. Created.

There shall be a department of water and sewerage services, which shall consist of the director and such other officers and employees, organized into such divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

Sec. 8.502. Functions.

The department of water and sewerage services shall be responsible for: (1) The construction, operation and maintenance of all water and sanitary sewer facilities of the metropolitan government; (2) The collection of all charges for the services of such utilities; (3) Such other powers and duties as may be assigned to the department by ordinance.

Sec. 8.503. Director of water and sewerage services—Qualifications and compensation.

The head of the department of water and sewerage services shall be the director, whose annual compensation, payable semimonthly, shall be fifteen thousand (\$15,000) dollars. A permanent vacancy in the office of director shall be filled by appointment made by the mayor, subject to the civil service provisions of this Charter. He shall be a graduate engineer who is trained and skilled in public utility problems and shall have had at least five (5) years' experience in an executive or major administrative position in a public utility operation or public utility administration.

Sec. 8.504. Same—Powers and duties.

The director of water and sewerage services shall have general management and control of the several divisions and units of the department, including the approval of all departmental requisitions for purchases and services. No payment from the funds of the department of water and sewerage services shall be made until such payments shall have been certified as due and correct by the director of the said department; this includes the certification as to the satisfactory performance of all contracts and services in connection with the operation, maintenance, and expansion of the said department. The director shall approve all

plans and specifications relating to the expansion, operation, and maintenance of the water and sewerage system. He shall appoint and remove, subject to the civil service provisions of article 12 of this Charter, all officers and employees of the department and shall have power to make rules and regulations for the conduct of the business of the department consistent with this Charter and the ordinances of the metropolitan government.

Sec. 8.505. Division of billing and collection.

There shall be established within the department, a division of billing and collection, which shall be responsible for the collection of all charges for the use of water, sewage disposal, and other services incident thereto.

Sec. 8.506. Accounting system.

The accounting system established by the department shall be in conformity with accepted utility accounting practices and shall be approved by the director of finance and generally correlated with the central finance and accounting system of the metropolitan government.

Sec. 8.507. Revolving funds.

The revolving fund used in the operation of the waterworks system of the former City of Nashville, as provided in section 15 of article 22 of chapter 246 of the Private Acts of 1947, is hereby continued in full force and effect for the use and benefit of the department of water and sewerage of the metropolitan government. This fund shall be used solely for paying the cost of improvements or extensions of the water system of the metropolitan government and for the purpose of making replacements in said system or purchasing and installing new capital equipment as part of said system. Whenever money in such fund shall be used for said purposes, the money so used shall be replaced in said fund from the first revenues received from the operation of the waterworks system which are not pledged for some other purpose until the fund is again restored to the amount of two hundred thousand (\$200,000) dollars; provided, however, that revenues so used for the purpose of replacing money expended from such fund shall not be required to be so used in any one year in an amount exceeding ten (10%) percent of the gross revenues received from the operation of the waterworks system in such year. The council, in its discretion, may provide for the placing of additional revenue in such fund for the purpose of establishing it in a larger amount than the minimum of two hundred thousand (\$200,000) dollars herein provided. No proceeds of such fund shall be used for the payment of current costs of operating and maintaining the waterworks system of the metropolitan government or for the purchase of tools, operating supplies or similar equip-

ment. No provision of this section shall be construed to authorize the issuance of additional bonds for the foregoing purposes.

Sec. 8.508. Establishment of and changes in rates.

The mayor and council are authorized and directed to establish the rates for water and sewerage services and to provide the methods for changes therein.

CHAPTER 6.

DEPARTMENT OF LAW.

Sec. 8.601. Created.

There shall be a department of law, which shall consist of the director thereof, of other personnel hereinafter mentioned and of such other positions and employees as may be provided by ordinance or by regulations of the director consistent with ordinance.

Sec. 8.602. Functions.

The department of law shall have the power and its duty shall be to perform the following functions

(a) Supervise, direct and control all of the law work of the metropolitan government, except with respect to the electric power board, which, having its own general counsel, is excepted from the provisions of this chapter.

(b) Furnish legal advice to the mayor, to the council and to all officers, departments, boards and commissions concerning any matters arising in connection with the exercise of their official powers or performance of their official duties.

(c) Represent the metropolitan government in all litigation.

(d) Collect by suit or otherwise all debts, taxes and accounts due the metropolitan government which shall be placed with it for collection by any officer, department, board or commission.

(e) Prepare or approve all contracts, bonds, deeds, leases or other instruments in writing in which the metropolitan government is concerned.

(f) Prepare or assist in preparing for introduction any proposed ordinance upon request of the mayor or any member of the council.

(g) Codify and cause to be published in convenient book form once in every five (5) years all of the general ordinances which are still in effect, with compilation and publication annually of a supplement thereto. The first general codification shall be published within one (1) year after the first director of law assumes office under this

Charter, unless the council by resolution shall extend the time therefor.

(h) Perform such other duties as may be assigned to it by ordinance.

Sec. 8.603. Appointment, qualifications, compensation and powers and duties of director of law; designated metropolitan attorney.

The department of law shall be under the supervision and control of the director of law, who is designated the metropolitan attorney. The metropolitan attorney shall be appointed by the mayor for a term which terminates with the term of the mayor making the appointment. He shall be confirmed by a majority vote of the total membership of the council. He shall have been a member of the bar of Tennessee for at least five (5) years preceding his appointment and also have been a resident of the area of the metropolitan government for a like period. His annual compensation, payable semimonthly, shall be fifteen thousand (\$15,000) dollars. The metropolitan attorney shall appoint all officers and employees of the department and may remove them, subject to the civil service provisions of article 12 of this Charter. The director of law shall determine and assign to the members of his staff and other employees of the department their respective duties and responsibilities, except as provided in the transitional provisions of this Charter.

Sec. 8.604. Deputy director of law.

There shall be a deputy director of law, designated as the deputy metropolitan attorney, who shall be appointed by the director of law, subject to the approval of the mayor. The qualifications of the deputy director of law shall be those hereinabove specified for the director of law and his compensation shall be twelve thousand (\$12,000) dollars per annum, payable semimonthly. The deputy director of law shall be under the supervision and direction of the metropolitan attorney and shall assist him in the organization, administration and control of the department of law. In the absence of the director of law or in the event of a vacancy in his office, the deputy director of law shall perform the duties thereof until the director returns or the vacancy is filled.

Sec. 8.605. Assistant metropolitan attorneys.

There shall be four (4) assistant metropolitan attorneys who shall be appointed by the director of law, subject to the approval of the mayor, and each of whose compensation shall be seventy-five hundred (\$7500) dollars per annum, payable semimonthly. The council may by ordinance create additional positions of assistant metropolitan attorney.

ney and fix the compensation of such positions, not to be higher than the minimum salary then being paid to an assistant metropolitan attorney. All assistant metropolitan attorneys shall perform such work of the department as may be assigned to them by the director.

Sec. 8.606. Director of law and others not to engage in private practice.

The metropolitan attorney, the deputy metropolitan attorney and all assistant metropolitan attorneys shall devote their entire time and attention to the business of the department of law, and shall not engage in the private practice of law.

Sec. 8.607. Employment of special counsel restricted and provided for.

No department, board, commission or other agency of the metropolitan government may employ special counsel. Whenever the interests of the metropolitan government require special counsel, the council, by resolution, may authorize the mayor to employ such counsel, who shall be paid such compensation for his service as the mayor, the director of law and the director of finance shall determine to be reasonable compensation for the services rendered, and as the council shall by resolution approve. The employment of bond counsel shall not be considered as the employment of special counsel for purposes of this section.

When the interests of the metropolitan council require legal counsel, the council, by resolution, may authorize the vice-mayor to employ such legal counsel, who shall be paid such compensation for his services as the council shall determine to be reasonable compensation for the services rendered, and as the council shall by resolution approve. Such resolution shall not require the approval of the mayor, the director of finance or the director of law. (Res. No. 72-380, § 1, 11-7-72)

Sec. 8.608. Certain personnel of department not under civil service.

The metropolitan attorney, the deputy metropolitan attorney, their respective private secretaries and assistant metropolitan attorneys shall not hold civil service status, except as expressly provided in the transitional provisions of this Charter.

Sec. 8.609. Amending Charter references to state statutes.

Upon the renumbering of any sections of the Tennessee Code Annotated to which this Charter makes reference, said references in the Charter shall be renumbered to properly identify the renumbered sections of the Tennessee

Code Annotated after compliance with the following procedure. The metropolitan attorney, after review and approval by the Charter revision commission, shall submit the proposed changes to the metropolitan council for approval by resolution. Upon approval by the metropolitan council, a certified copy of the approving resolution shall be delivered to the secretary of state and to the metropolitan clerk who shall attach the same to the copy of the Charter in his custody.

Editor's note—The addition of § 8.609 was approved at an election held Aug. 4, 1983.

CHAPTER 7.

DEPARTMENT OF AVIATION

Sec. 8.701. Created.

There shall be a department of aviation, which shall consist of the director of aviation and such other officers and employees as may be provided by ordinance.

Sec. 8.702. Functions.

The department of aviation shall be responsible (1) for the operation, maintenance and control of the Nashville Metropolitan Airport and other airports owned or operated in whole or in part by the metropolitan government, and (2) for such related activities and duties as may be prescribed by ordinance.

Sec. 8.703. Director of aviation—Qualifications, appointment and compensation.

The head of the department of aviation shall be the director, whose annual compensation, payable semimonthly, shall be twelve thousand (\$12,000) dollars. A permanent vacancy in the office of the director shall be filled by appointment made by the mayor, subject to the civil service provisions of this charter. He shall be a person with experience in an executive or major administrative position in municipal or other public airport operations and familiar with the rules and regulations of the authorized governmental agencies concerning airport operations and aeronautic requirements.

Sec. 8.704. Same—Powers and duties.

The director of aviation shall have the general management and supervision of the department of aviation. He shall appoint and remove, subject to the civil service provisions of Article 12 of this charter, all other officers and employees. He shall have power to make rules and regulations consistent with this charter and with applicable ordinances for the conduct of the business of the department.

ARTICLE 9. PUBLIC SCHOOLS*

* **Editor's note**—A referendum petition approved by the voters at an election held Nov. 4, 1980, substituted the term “metropolitan board of public education” for the terms “metropolitan county board of education” and “metropolitan board of education” wherever they appear in art. IX, §§ 9.01, 9.03—9.14. The petition also amended § 9.02 in its entirety.

Sec. 9.01. Public school system established.

A. system of public schools for the Metropolitan Government of Nashville and Davidson County is hereby established, which shall be administered and controlled by the metropolitan board of public education, sometimes in this article called “the board.”

Sec. 9.02. Board of education—Term and selection of members.

The metropolitan county board of education shall be abolished and there is established in its place the metropolitan board of public education, to succeed to all powers, duties, prerogatives, and functions of the present metropolitan county board of education. This abolishment shall take place ten (10) days following the certification of the election of members of the metropolitan board of public education.

The metropolitan board of public education shall be composed of nine (9) members whose terms of office shall be six (6) years each and shall be so staggered that the terms of three (3) members expire every two (2) years. The election of board member shall take place at the first general election following the adoption of this referendum. One (1) member of the board shall be elected from each of the school districts herein defined, and no member shall be elected from a school district wherein another incumbent member resides. Any member who shall change his or her place of residence from one school district shall thereby vacate his or her office. The school districts from each of which one (1) member shall be elected shall be as follows:

School District Number 1 shall include Councilmanic Districts Nos. 1, 3, 10, and that part of 9 which lies north of Neelys Bend Road; west of Kinsey Boulevard; north of New Providence Pass, and Manzano Road; west of Fawn Lane; north of Warrior Road; west of Sandhurst Drive; north of East Old Hickory Boulevard.

School District Number 2 shall include Councilmanic Districts Nos. 28, 29, 30, 31.

School District Number 3 shall include Councilmanic Districts Nos. 6, 7, 8, and that part of 4 which lies east of Ellington Parkway, and that part of 9 which lies south of Neelys Bend Road; east of Kinsey Boulevard; south of

New Providence Pass, and Manzano Road; east of Fawn Lane; south of Warrior Road; east of Sandhurst Drive; south of East Old Hickory Boulevard.

School District Number 4 shall include Councilmanic Districts Nos. 11, 12, 15, 14.

School District Number 5 shall include Councilmanic Districts Nos. 2, 5, 20, and that part of 4 which lies west of Ellington Parkway.

School District Number 6 shall include Councilmanic Districts Nos. 13, 16, 26, 27.

School District Number 7 shall include Councilmanic Districts Nos. 17, 18, 19, 21.

School District Number 8 shall include Councilmanic Districts Nos. 25, 32, 33, 34.

School District Number 9 shall include Councilmanic Districts Nos. 22, 23, 24, 35.

The first election of the nine-member board shall be as follows:

Of the nine (9) members elected, the three (3) members receiving the largest number of votes shall be elected for a term of six (6) years, the three (3) members receiving the next largest number of votes shall be elected for a term of office of four (4) years and the remaining three (3) members shall be elected for a term of office of two (2) years.

After the election of the first board, elections for replacing retiring members shall be at the first county-wide general election each two (2) years thereafter.

The school districts herein established may be altered in a plan for redistricting councilmanic districts adopted pursuant to section 18.06 of this Charter.

No person shall be eligible to serve as a member of the board unless (a) he or she shall have attained the age of twenty-five (25) years at the beginning of his or her term; (b) shall have been a resident of the area of Metropolitan Government of Nashville and Davidson County for a period of five (5) years and one (1) year in the school district from which he or she is elected; (c) shall be a qualified, registered voter. Further, candidates for the board and members of the board shall hold no other elective or appointive public office. Candidates for membership on the metropolitan board of public education shall comply with the provisions for candidates for public office in title 2 Tennessee Code Annotated.

In the event a vacancy should occur for any reason other than the expiration of the term of a board member, the metropolitan board of public education shall be empowered to appoint, by a two-thirds majority of the remaining membership, a person residing within the school district in which the vacancy occurs to serve until the next county-wide general election, at which time a person shall be elected for the remainder of the unexpired term.

Effective September 1, 2003, members of the metropolitan board of public education may be compensated at a rate as may be approved by the metropolitan county council as part of the general pay plan under the provisions of Section 18.05. (Amended by Ord. No. 71-1389, § 2, 5-4-71; Bill No. 81-701, § 2, 10-6-81; Res. No. 88-526, § 11, 10-4-88; Res. No. R98-1073, § 1, 3-25-98; Res. No. 2003-1474 § 1, 8-7-03)

Editor's note—In addition to the legislation given in the history note, § 9.02 was amended in its entirety by virtue of a referendum petition approved Nov. 4, 1980. Areas included in the districts were amended by referendum approved by the voters Sept. 5, 1991.

Editor's note—As a result of the enactment of Tennessee Code Annotated § 49-2-201, School Districts 2 and 5 were renumbered 5 and 2 respectively such that no School Board member's term was shortened.

Sec. 9.03. Same—Powers.

The board is authorized to do all things necessary or proper for the establishment, operation and maintenance of an efficient and accredited consolidated school system for the metropolitan government, not inconsistent with this Charter or with general law, including but not limited to the following actions, all to be taken after receiving the recommendations thereon of the director of schools: The employment and fixing of the compensation of all persons necessary for the proper conduct of the public schools; the maintenance and preservation of school property, the management and safeguarding of school funds; the acquisition of school sites; the erection, maintenance and improvement of school buildings and additions thereto; the purchase of school equipment, furniture, apparatus, supplies and the like; the provision of group insurance of not less than five hundred dollars (\$500.00) each on its employees and teachers; and the promulgation of plans, rules and regulations for the administration, operation and maintenance of a public school system.

Purchases of the board shall be consistent with the procedures established concerning competitive bidding as provided in section 8.111 of this Charter. In that respect, the board shall adopt appropriate rules and regulations concerning purchasing, including the establishment and enforcement of standard specifications for all supplies, materials and equipment required by the board and which it has authority to purchase or lease.

The board shall also have all powers and duties conferred by general law upon county boards of education and city boards of education, including, but not limited to, Tennessee Code Annotated, section 49-2-203 excepting only as otherwise provided in this Charter.

The system of furnishing free textbooks in the public schools of the city and county and receiving and accepting state aid therefor in effect at the time of the adoption of this Charter [April 1, 1963] shall be continued, unless and until changed by ordinance of the council upon recommendation of the board. (Res. No. 88-526, § 12, 10-4-88)

Sec. 9.04. Same—Duties; referendum as to school budget.

In addition to other duties imposed by this Charter or by general law, it shall be the duty of the metropolitan board of public education to:

1. Hold regular monthly meetings which shall be open to the public.

2. Adopt and make available for distribution rules, regulations and a statement of policies, including (a) the manner and method of operating the metropolitan school system and its properties, (b) the manner and method of employing personnel, (c) all personnel policies and any requirements with reference to teaching personnel or non-teaching personnel, salaries, vacations, sick leave, job security and retirement policy; and (d) the manner and extent of use which may be made of the public buildings under the control of the board.

3. Hold public hearings on the operational school budget prior to its approval by the board, and thereafter to submit to the mayor through the director of finance the budget for schools. If the operational school budget adopted by the council is in the opinion of a two-thirds majority of the entire membership of the board insufficient and inadequate to meet the needs of public education, then the board is authorized to take the following action with respect thereto:

Not later than thirty (30) days prior to the first Thursday in August, the board by a two-thirds majority of its entire membership shall adopt a resolution declaring that in addition to funds appropriated for the operational school budget as adopted by the council, an amount of money (to be specified in the resolution) is necessary; that the specified amount will be produced by an additional tax levy of a stated number of mills (to be specified in the resolution), and that the board by such resolution calls for and initiates a referendum election to determine whether such additional tax shall be levied and the total revenues thereby raised shall be added to the operational school budget. For the purpose of calculating the tax increase necessary, the board shall procure from the director of finance, who shall furnish the same immediately upon request, the amount of revenue which an additional tax of one (1) mill is anticipated to produce, and on this basis calculate the additional tax necessary to raise the additional school funds sought. A certified copy of such resolution shall immediately be

transmitted to the council and to the board of county commissioners of election, which shall order and conduct a special referendum election on the first Thursday in August, the same to be held simultaneous with, and as a part of, the general August election if the year be an even one.

In addition, the Board may take the action outlined in the preceding paragraph to provide additional funding for capital improvements eligible for funding in the capital improvements budget established pursuant to Section 6.13 of the Metropolitan Charter. For purposes of this section, capital improvements include renovations, repairs, maintenance, new construction of any building, structure, work, or improvement and technology, instructional and safety equipment.

The notice of election and the ballot for such referendum on the operational school budget shall provide substantially as follows:

Referendum Election as to increased operational school budget of \$ _____ (here fill in the additional amount which the Board has certified as necessary) and an increase of _____ (here fill in amount which the Board has certified as necessary) mills in tax rate thereby necessitated.

For Increase _____

Against Increase _____

The result of the special election on the operational school budget shall be certified by the commissioners of election to the director of finance and to the county trustee. If the majority of voters favor said increase, then the previously adopted tax levy for the general services district shall be deemed accordingly amended and increased and the previously adopted operational school budget shall be deemed accordingly amended and increased. If the majority of voters do not favor said increase, then both the tax levy and the operational school budget shall remain as previously adopted.

If the Board, not later than thirty (30) days prior to the first Thursday in August, adopts a resolution calling for a referendum to increase funding for capital improvements, the notice of election and the ballot for such referendum shall provide substantially as follows:

Referendum Election to increase funding for capital improvements in the amount of \$ _____ (here fill in the additional amount which the Board has certified as necessary), and an increase of _____ (here fill in amount which the Board has certified as necessary) mills in the current tax rate thereby necessitated.

For Increase _____

Against Increase _____

If the Board adopts a resolution calling for a referendum to fund capital improvements outside of the time pe-

riod described above, the notice of election and the ballot for such referendum shall provide substantially as follows:

Referendum Election to authorize funding for capital improvements in the amount of \$ _____ (here fill in amount which the Board has certified as necessary) for the upcoming fiscal year beginning on July 1, 19 ____ (here fill in first day of next fiscal year), and an increase not to exceed _____ (here fill in amount which the Board has certified as necessary) mills in the tax rate for the upcoming fiscal year.

For Increase _____

Against Increase _____

The result of the special election to increase funding for capital improvements shall be certified by the commissioners of election to the director of finance and to the county trustee. With respect to special elections on capital improvements called pursuant to a resolution adopted by the Board not later than thirty (30) days prior to the first Thursday in August, if the majority of voters favor said increase, then the previously adopted tax levy for the general services district shall be deemed accordingly amended and increased and the previously adopted appropriation for capital improvements shall be deemed accordingly amended and increased. If the majority of voters do not favor said increase, then both the tax levy and the appropriation for capital improvements shall remain as previously adopted. With respect to special elections on capital improvements called pursuant to a resolution adopted by the Board outside the time period described above, if the majority of voters favor said increase, then the additional tax levy shall take effect the following fiscal year, unless the budget appropriation for capital improvements for the following fiscal year includes the additional revenues authorized by the special election.

From and after the issuance of tax bonds or notes for the Board to fund capital improvements from the revenues generated by the additional tax levy for capital improvements authorized by this section, there shall be included in the annual tax levy ordinance for education for the general services district, over and above all other taxes assessed therein, a sum sufficient to meet the interest and redemption charges on such tax bonds or notes due or to be paid in the ensuing year, together with a sum sufficient to reimburse the general fund for any appropriation made or to be made therefrom for the payment of any such interest or redemption charges.

The cost of any special election authorized by this section shall be paid out of the general fund of the general services district.

Sec. 9.05. Same—Employment of director of schools.

The metropolitan board of public education is authorized to designate a person experienced in public school management and supervision and possessing a certificate of qualification issued by the state board of education pursuant to Tennessee Code Annotated, section 49-2-301(a), as the chief administrative employee of the board, and to enter into an employment contract with such person for a period not exceeding five (5) years and for a compensation to be determined therein. The person so designated and employed shall be known as the “metropolitan director of schools.” The metropolitan board of public education is authorized to assign to the metropolitan director of schools such duties and responsibilities as are necessarily, usually or properly assigned to a city superintendent of schools or to a county superintendent of schools. (Res. No. 88-526, § 13, 10-4-88)

Sec. 9.06. Pension rights of educational employees of county and city protected.

All rights and benefits which any person has acquired under a pension plan established for the benefit of teachers in the school system of Davidson County shall be preserved and continued, and all rights and benefits which any person has acquired as a nonteaching employee of the county board of education in the Davidson County Pension Fund shall be preserved and continued. All rights and benefits which any person has acquired under the teachers pension department and fund of the City of Nashville shall be preserved and continued, and all rights and benefits which any person has acquired as a nonteaching employee of the city board of education in the civil service employees pension fund of the City of Nashville shall be preserved and continued. Every person whose rights are preserved and continued by this section shall be entitled to participate in the applicable pension plan or fund on the terms and conditions in effect immediately prior to the effective date of this charter, except as such terms and conditions may be changed by applicable general law.

Sec. 9.06.1. Benefit increase plan.

The board of public education may recommend increase in benefits to members of pension plans set forth in section 9.06. Upon recommendation by the board of public education, the plan for increased benefits shall be submitted to the mayor through the director of finance. The mayor shall approve or disapprove the plan and forward same to the council. Upon disapproval, the mayor shall attach a statement indicating his reasons for disapproval.

The council shall (1) adopt the benefits increase plan, or (2) reject it. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a benefit increase plan is rejected by the council, it shall be returned to the metropolitan board of public education which may thereupon formulate another benefit increase plan and transmit the same to the mayor through the director of finance under the provisions set forth above. The plan for increase in benefits shall be adopted effective at the beginning of the next fiscal year, except the effective date for the fiscal year beginning July 1, 1972, shall be as stated by the adopting resolution. (Res. No. 72-380, § 1, 11-7-72)

Sec. 9.07. Pension and retirement plan for metropolitan teachers; voluntary transfer thereunder of city and county teachers.

The metropolitan board of public education shall establish an actuarially sound pension and retirement plan for teachers. Such plan shall be applicable to teachers employed by the metropolitan board of public education who were not employed in the county school system or the city school system immediately prior to the effective date of this Charter. Such plan shall make provision for the transfer thereunder of teachers who were employed in either the school system of the City of Nashville or the school system of Davidson County when such teachers apply for such transfer and meet conditions of transfer specified by the plan. The metropolitan board of public education is authorized in its discretion to integrate its pension and retirement plan for teachers with the Federal Insurance Contributions Act, or other applicable state or federal legislation.

Sec. 9.08. Tenure rights of county and city teachers protected.

Any person employed in the school systems of the City of Nashville and of Davidson County who has acquired tenure as a teacher under sections 49-5-501 to 49-5-514, inclusive, of Tennessee Code Annotated, or under any private act, shall retain such tenure in the metropolitan school system established by the consolidation of said school system. (Res. No. 88-526, § 14, 10-4-88)

Sec. 9.09. Disabilities of board members and council members to make adverse contracts or own school warrants.

Members of the metropolitan board of public education and members of the council shall be under the same disabilities as to making adverse contracts with the metropolitan board of public education or as to owning school war-

rants as are established by general law for members of county boards of education and justices of the peace.

Sec. 9.10. Civil service as to teachers and other educational employees.

The metropolitan board of public education shall constitute a civil service board for the purpose of investigating and hearing charges against any teacher and for the purpose of dismissing, suspending or otherwise disciplining the same and for the purpose of section 12.09 of this Charter. In the discharge of its duty as a civil service board, the metropolitan board of education is authorized to make rules and regulations. The provisions of section 12.11 of this Charter with reference to offenses against civil service and disabilities of civil service employees shall be applicable to all nonteaching employees of the board of public education. Any teacher suspended or dismissed may obtain a judicial review as provided in section 49-5-513 of Tennessee Code Annotated, the same being a portion of the Teachers' Tenure Act. Any nonteaching employee of the board may have his dismissal reviewed by the court in the same manner provided by section 12.07(h) for classified employees. (Res. No. 88-526, § 15, 10-4-88)

Sec. 9.11. No diversion of funds.

No funds which have been appropriated for the use of, or transferred to, the metropolitan school system shall be diverted from that use for any other purpose.

Sec. 9.12. Transfer of school funds within school budget.

The board shall have power at any time to transfer funds within the major items of its budget. It shall also have power to make transfers of funds to, from or between major items in its budget, provided such transfers are not inconsistent with the general law.

Sec. 9.13. Transfers to school fund from general funds; borrowing money.

The metropolitan council by resolution approved by the mayor, may transfer funds to the school fund from the general fund or general accounts of the metropolitan government, or may issue short term anticipation notes to provide such funds if in its judgment it is necessary and proper to provide temporary advances or transfers for the maintenance and operation of the schools. Such temporary advances or transfers shall be repaid or restored out of school funds during the ensuing year.

Sec. 9.14. Acquisition and sale of property.

All school property heretofore belonging to the County of Davidson and all school property heretofore belonging

to the City of Nashville shall belong to the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of education, and the title to all school property hereafter acquired shall be vested in the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of public education. The board of public education is hereby designated as the legal custodian of all school property; and when in the judgment of said board any property held by it is no longer suited or needed for school purposes, said board is hereby authorized, with the approval of the council and mayor, to sell such property and have the proceeds credited to the unappropriated school fund of the metropolitan government.

In acquiring or selling property, the board shall cooperate closely with the planning commission, whose recommendation shall be sought and carefully considered by the board.

ARTICLE 10. PUBLIC HEALTH AND HOSPITALS

CHAPTER 1. PUBLIC HEALTH

Sec. 10.101. Metropolitan board of health—Created.

There shall be a metropolitan board of health which sometimes in this article may be called the "department of health" and sometimes called the "board." The board shall administer and control public health for the metropolitan government as herein provided.

Sec. 10.102. Same—Qualifications, term and selection of members.

The board shall be composed of six (6) members. Three (3) members shall be doctors of medicine certified for practice as such by the state board of medical examiners and licensed by the state licensing board for the healing arts, and each of whom shall have had not less than five years experience in the active practice of his profession. One of said doctors of medicine shall also have had special training, practice and experience in the field of psychiatric medicine. One member shall be a registered nurse. The two remaining members of the board shall be chosen without reference to occupation, except that they shall not come from the medical profession. Members of the board shall serve without compensation.

The members of the board shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of five (5) years each, provided that of the first five members, one shall serve for five years, one for four years, one for three years,

one for two years and one for one year. The registered nurse shall originally be appointed for a term that coincides with that of the chairman of the board. Any vacancy other than by expiration of term shall be filled for the unexpired term. (Res. No. 76-172, 9-16-76)

Sec. 10.103. Same—Functions.

The board of health, through its chief medical director, shall exercise all the administrative functions of the metropolitan government pertaining to:

1. The physical and mental health of the people.
2. The investigation and control of communicable diseases.
3. The regulation of publicly and privately owned institutions for the purpose of sanitation and public health.
4. The enforcement of reasonable rules and regulations promulgated as herein provided.
5. The collection, compilation, tabulation, analyzing and reporting of statistics and data concerning births, still births, deaths and such vital statistics.
6. The performance or the functions previously assigned by law to the health officers or the health departments of the City of Nashville and Davidson County, or such as hereafter may be assigned to city or county health officers or city health departments or county health departments in Tennessee.
7. The inspection of all charitable institutions, all jails and all institutions of the metropolitan government where sick, insane, destitute or other persons are confined. The board may cause any person convicted of violating any law or ordinance and who is confined, or who is on parole, to be examined as to the causes contributing to the delinquency and shall make and keep a record of such examinations.

Sec. 10.104. Same—Duties.

In addition to the duties otherwise imposed by this Charter or by general law, it shall be the duty of the board of health to:

1. Determine and establish the policies to be followed in the exercise of its functions.
2. Establish within the department of health such divisions, branches, or subdivisions, and plan of organization as may be consistent with efficient administration, which organizational plan shall be submitted by the board to the council for approval by ordinance, and which organizational plan may be amended from time to time in like manner.
3. After public hearing adopt reasonable rules and regulations or amend rules and regulations previously adopted as necessary for the protection of the health of the people, which rules and regulations, among other things,

shall set standards and procedures and requirements of conduct not less than as set out in regulations of the commissioner of public health of Tennessee. No such rule or regulation shall be contrary to any metropolitan ordinance.

4. Hear and act upon complaints of persons affected by decisions of the chief medical director and to amend or set aside such decisions as are contrary to policies or regulations of the board.

5. Cause to be submitted, with the aid of the department of law, for submission to the council for its consideration, a comprehensive Health Code which shall embrace all matters with relation to public health to which the powers and duties of the board extend, and which shall have as its purpose the preservation and promotion of the health of the people of the metropolitan government.

6. Submit to the mayor, within six months after the beginning of each new term of office, a report upon the activities of the metropolitan board of health and a comprehensive program of public health and indigent medical care.

7. Conduct inquiries, make investigations and hold hearings for the purpose of investigating nuisances, preventing the creation of nuisances, taking other preventative steps to protect the health of the community and for other purposes herein set forth in connection with the powers, duties and authorities of the board. In conducting any such inquiry and mailing of any such investigation the board shall have and may exercise the same investigative powers as are vested by this Charter in other metropolitan agencies which are given investigative powers.

8. Contract with other governmental agencies, or with public or private institutions, subject to confirmation by the council by resolution for such services as will further the program and policies of the board.

9. Cause to be prepared by the chief medical director, subject to review and revision by the board, the proposed annual budget for the metropolitan board of health.

10. Cooperate with agencies of the United States and of the State of Tennessee in all matters of public health and sanitation and accept, receive and provide for the use of federal and state grants in aid, state aid and matching funds.

11. Cooperate with privately endowed or operated institutions, funds or foundations in all matters of public health and sanitation and receive and accept and provide for the use of grants from any such institutions, funds or foundations.

12. Exercise such other authority and perform such other duties as may be required by ordinance consistent with the general law and the provisions of this Charter.

**Sec. 10.105. Chief medical director of health—
Appointment and qualifications.**

The board shall appoint a chief medical director of health, herein sometimes called “chief medical director,” and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the board. Such compensation so fixed shall be subject to approval by the council by resolution. The chief medical director shall be a doctor of medicine certified for practice as such by the state board of medical examiners, and licensed by the state licensing board for the healing arts. He shall have had not less than ten years’ previous experience in the active practice of his profession, or in the field of public health administration. He shall devote his entire time to the duties of his office.

Sec. 10.106. Same—Powers and duties.

The chief medical director shall be the chief administrative officer of the board. He shall be responsible to the board for the administration and execution of its program and policies. Within the policies set forth by the board he shall have general management and control of any divisions of the department and such other administrative units as may be created by the board or by ordinance. With the approval of the board, pursuant to established personnel policies, and subject to the provisions of this article, he shall appoint and remove the heads of the divisions and other officers and employees of the board. He shall have such other powers and duties as may be authorized by general law, by this Charter or by ordinance.

Sec. 10.107. Personnel rules and regulations of the board of health.

The metropolitan board of health, consistent with the standards of the merit system of the United States Public Health service, shall establish, adopt and make available for distribution, its rules, regulations and policy statement concerning its personnel policy, the manner and method of employing personnel, the requirements with reference to the qualifications of both professional and nonprofessional personnel, salaries, vacations, sick leave, job security, retirement policy, and other related terms and conditions of employment by the board.

The board shall constitute a civil service board with respect to employees of the board of health for the purpose of section 12.09 of this Charter and for the purpose of investigating and hearing charges against any professional or nonprofessional employee, and for the purpose of dismissing, suspending or otherwise disciplining any such employee, or reviewing any decision of the chief medical director affecting the employment status of such employee. In the discharge of its duties as a civil service

board, the board shall act pursuant to its rules and regulations governing personnel policies promulgated as hereinabove stated, and shall have the same investigative powers as vested by this Charter in other agencies of the metropolitan government in which investigative power is vested. Any employee of the board dismissed or discharged pursuant to the action of the Board after hearing, may have such discharge or dismissal reviewed in the same manner as is provided in this Charter for the review of actions of the civil service commission under certain conditions.

Sec. 10.108. Budget of metropolitan board of health.

The board shall submit to the mayor, through the director of finance, the budget for the metropolitan board of health. If the mayor shall make any change therefrom in the budget submitted by him to the council, it shall be his duty to inform the council with respect to such change and the original proposals of the board.

Sec. 10.109. Pension and retirement rights under former county plans.

All rights and benefits which any officer or employee of the county board of health of Davidson County or of the county health office has acquired under any pension plan established before the effective date of this Charter¹ are preserved and continued, as otherwise provided in this Charter.

1. April 1, 1963.

Sec. 10.110. Civil service medical examiner; civil service examinations.

The chief medical director shall designate a qualified professional member of his medical staff as civil service medical examiner to conduct physical examinations for civil service personnel, including applicants for appointments, to conduct examinations for persons in retired status and applicants for retirement benefits, and to conduct periodical examinations for drivers of vehicular equipment of the metropolitan government. In addition, the civil service medical examiner shall conduct physical examinations when requested by any board or agency of the metropolitan government but solely for metropolitan government purposes; or as provided by ordinance.

CHAPTER 2. PUBLIC HOSPITALS.

**Sec. 10.201. Metropolitan board of hospitals—
Created.**

There shall be a metropolitan board of hospitals, which sometimes in this article is called the “board.” The board

shall administer and control hospitals for the Metropolitan Government of Nashville and Davidson County as herein provided.

Sec. 10.202. Same—Qualifications, term and selection of members.

The board shall be composed of seven (7) members. Three (3) members shall be doctors of medicine certified for practice as such by the state board of medical examiners and licensed by the state licensing board for the healing arts, and each of whom shall have had not less than five (5) years' experience in the active practice of his profession. One of said doctors of medicine shall also have had special training, practice and experience in the field of psychiatric medicine. One member shall be a registered nurse. The three remaining members of the board shall be chosen without reference to occupation or profession. Members of the board shall serve without compensation.

The members of the board shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. They shall serve terms of five years each, provided that of the first seven members, two shall serve for five years, one for four years, two for three years, one for two years and one for one year. Any vacancy other than by expiration of term shall be filled for the unexpired term.

Sec. 10.203. Same—Functions.

The board of hospitals, through the director of hospitals, shall exercise all the administrative functions of the metropolitan government pertaining to the operation of all institutions owned, maintained or operated by the metropolitan government for the examination, treatment, convalescence or detention of the sick, injured or physically or mentally ill. Said board shall determine and establish the policies to be followed in the exercise of its function and it may receive, accept and provide for the use of funds from any governmental agency, by any public or private institution or by any individual.

Sec. 10.204. Director of hospitals—Appointment and qualifications.

The board of hospitals shall appoint a director of hospitals, herein sometimes called "director," and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the board. The director shall be a person who has had at least five (5) years' experience in hospital administration or at least ten (10) years' experience in some other executive or major administrative position.

Sec. 10.205. Same—Powers and duties.

The director shall be the chief administrative officer of the board of hospitals. He shall be responsible to the board for the administration and execution of its program and policies. Within the policies set forth by the board, he shall have general management and control of all hospitals and institutions administered by the board. With the approval of the board, pursuant to established personnel policies, and subject to the provisions of this article, he shall appoint and remove the other officers and employees of the board. He shall have such other powers and duties as may be authorized by general law, by this Charter or by ordinance.

Sec. 10.206. Personnel rules and regulations of the board of hospitals.

The board of hospitals shall establish, adopt and make available for distribution its rules, regulations and policy statement concerning its personnel policy, the manner and method of employing personnel, the requirements with reference to the qualifications of both professional and nonprofessional personnel, salaries, vacations, sick leave, job security, retirement policy, and other related terms and conditions of employment by the board.

The board shall constitute a civil service board with respect to employees of said board for the purpose of section 12.09 of this Charter and for the purpose of investigating and hearing charges against any professional employee, and for the purpose of dismissing, suspending or otherwise disciplining any such employee, or reviewing any decision of the director affecting the employment status of such employee. In the discharge of its duties as a civil service board, the board shall act pursuant to its rules and regulations governing personnel policies promulgated as hereinabove stated, and shall have the same investigative powers as vested by this Charter in other agencies of the metropolitan government in which investigative power is vested. Any employee of the board dismissed or discharged pursuant to the action of the board after hearing may have such discharge or dismissal reviewed in the same manner as is provided by this Charter for review of actions of the civil service commission under certain conditions.

Sec. 10.207. Pension and retirement rights under former city or county plans.

All rights and benefits which any person has acquired as an employee of any hospital or institution owned, maintained or operated by the City of Nashville or the County of Davidson are preserved and continued as otherwise provided in this Charter.

ARTICLE 11. ADMINISTRATIVE BOARDS AND COMMISSIONS.

CHAPTER 1. GENERAL PROVISIONS.

Sec. 11.101. General provisions control except as specified.

The following general provisions shall apply to all administrative boards and commissions established by this article or other provisions of this Charter, except as specific provisions as to a particular board or commission otherwise provide.

Sec. 11.101.1. Holding over of member after expiration of term; appointment of successor, reappointment.

Any member of an administrative board or commission established under the provisions of this charter or by ordinance of the metropolitan county council and whose term has expired, may remain as a member of said board or commission no longer than sixty (60) days after the expiration of his term. Should the mayor or other appointing authority fail to appoint a successor or reappoint the member within sixty (60) days after expiration of his term, the position shall be deemed vacated and the power and authority to appoint shall be vested in the vice-mayor subject to confirmation by the council in the same manner as prescribed by this charter.

Should the mayor or other appointing authority appoint a successor or reappoint the member prior to or within sixty (60) days of the expiration of the term, and the metropolitan council fail[s] to act on the appointment within sixty (60) days of receipt of the letter of appointment from the mayor or other appointing authority, the appointment shall be conclusively presumed approved by the council.

Should an appointee be rejected by the council, the mayor or other appointing authority shall have sixty days to submit a new appointee to said council, provided the mayor or other appointing authority shall not resubmit the rejected appointee's name for consideration for the same position for a period of one (1) year. (Res. No. 74-869 § 1, 11-5-74)

Sec. 11.102. Qualifications of members.

Every member shall have been a resident of the area of the metropolitan government or have had his principal place of business or employment therein for not less than one (1) year prior to his appointment and shall continue to be so eligible so long as he shall serve.

Sec. 11.103. Quorum.

A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business.

Sec. 11.104. Regular and special meetings.

Each board or commission shall hold regular meetings at least quarterly for the conduct of its business and may hold more frequent regular meetings as its by-laws may provide; and it may hold special meetings as may be deemed necessary, the same to be called or held as provided in its by-laws.

Sec. 11.105. Election of chairman, vice-chairman and secretary.

Each board or commission shall elect one of its members as chairman and another as vice-chairman, who shall serve for a period of one (1) year or until his successor shall have been chosen; and it may elect as its secretary one of its own members or it may appoint as secretary one of its employees.

Sec. 11.106. Members to hold no other metropolitan office or position.

No appointive member of any board or commission shall hold any other remunerative public office or position in the metropolitan government, except as otherwise specifically provided in this Charter.

Sec. 11.107. By-laws, rules and regulations to be filed with metropolitan clerk.

Each board or commission may make such by-laws, rules and regulations, not inconsistent with law, as it deems appropriate for the conduct of its business, copies of which shall be filed with the metropolitan clerk and with the secretary of the board or commission.

Sec. 11.108. Employment of personnel.

Except as otherwise provided in this Charter, each board or commission is authorized to employ such personnel as may be necessary to perform its functions and as may be within the limits of its budget appropriations.

Sec. 11.109. Removal of members.

Any appointive member of any board or commission established under the provisions of this Charter or by ordinance may be removed from office by a three-fourths ($\frac{3}{4}$'s) vote of the entire membership of the council. (Added by Amdt. 1 to referendum petition approved June 11, 1991)

CHAPTER 2. BOARD OF EQUALIZATION.

Sec. 11.201. Established; members, appointment, qualifications and vacancies.

There is hereby established a metropolitan board of equalization, which shall consist of five (5) members appointed by the mayor for a term of two (2) years, and confirmed by a majority vote of the whole membership of the council. Said members shall be owners of taxable real property within the territorial limits of the metropolitan government and shall have been residents therein for a period of at least six (6) years prior to their appointment. At least two (2) members shall reside within and own taxable real property within the urban services district; and at least two (2) members shall reside without and own taxable real property without the urban services district. A member shall create a vacancy on the board if during his term of office he does not meet the requirements of appointment. All vacancies shall be filled for the unexpired term in the same manner as original appointments.

Sec. 11.202. Powers and duties.

Said board shall meet in a metropolitan public building on the second Monday in April of each year, and sit in regular session as necessity may require until the equalization has been completed, which shall not be later than June 1st. The board shall give notice in a principal newspaper of daily circulation published in the metropolitan area at least five (5) days prior to the initial meeting, stating the time, place, and hours of such meeting.

It shall be the duty of the metropolitan board of equalization carefully to examine, compare and equalize the assessments of property and merchants' ad valorem assessments within the territorial limits of the metropolitan government, and in so doing, together with the performance of all its other functions, be governed by the general laws regulating county or city boards of equalization, except as otherwise specified in this Charter.

Not later than fifteen (15) days after its adjournment, the board shall cause to be published in a principal daily

CHAPTER 3. ELECTRIC POWER BOARD

Sec. 11.301. Electric Power Board of Nashville continued as metropolitan agency.

The Electric Power Board of Nashville, created and established by chapter 246, Private Acts of 1947, and amendatory acts, the same being the Charter of the City of Nashville, shall continue to exist as the Electric Power Board of the Metropolitan Government of Nashville and Davidson County and to function as an agency of the metropolitan government, and shall have all the rights, duties, powers, obligations, privileges and responsibilities as are

newspaper published in the metropolitan area, a list of all taxpayers whose assessments were increased or decreased by said board, giving the names of taxpayers, location of the property, and the amount of increase or decrease as compared with the assessment of the metropolitan tax assessor.

Not later than fifteen (15) days after its adjournment, said board shall certify the assessments. The tax rolls shall then be turned over to the division of collections in the metropolitan department of finance at least fifteen (15) days prior to the date that taxes become due and payable.

Sec. 11.203. Right of complaint.

Any owner of taxable property shall have the right to make complaint before the metropolitan board of equalization. Upon such complaint, the board may hear any evidence or witnesses offered by the complainant or take other such steps as it may deem necessary to the investigation of the complaint, and pass upon the question justly and equitably. The board shall pass upon each complaint and either dismiss the complaint or grant all or part of the relief requested.

All decisions of the board of tax equalization shall be final and conclusive unless within the time permitted by law the taxpayer appeals from said decision to the state board of equalization and the action of the latter board shall be final, but always subject to such judicial review as may be permitted by law.

Sec. 11.204. Compensation of board members.

Members of the board shall receive compensation as provided by Tennessee Code Annotated, section 67-1-403, for members of county boards of equalization. (Res. No. 88-526, § 16, 10-4-88)

Sec. 11.205. General law applicable.

The metropolitan board of equalization shall be governed by general laws regulating county or city boards of equalization, except as specified in this Charter.

contained in the terms and provisions of said Private Acts or Municipal Charter. A copy of the terms and provisions of said Private Acts or Municipal Charter, with modifications limited to those changes necessary and proper to constitute said electric power board an agency of the metropolitan government, is attached to this Charter and made a part hereof as Appendix Three hereto.

CHAPTER 4. NASHVILLE TRANSIT AUTHORITY

Sec. 11.401. Nashville Transit Authority continued as metropolitan agency.

The Nashville Transit Authority, created and established by chapter 487, Private Acts of 1953 and amendatory acts, the same being amendments to the Charter of the City of Nashville, shall continue to exist and to function as an agency of the metropolitan government and shall have all the rights, duties, powers, obligations, privileges and responsibilities as are contained in the terms and provisions of said Private Acts or Municipal Charter; provided, that members of said authority shall be appointed by the mayor and confirmed by a majority vote of the whole membership of the council. A copy of the terms and provisions of said Private Acts or Municipal Charter, with modifications limited to those changes necessary and proper to constitute said Nashville Transit Authority as an agency of the metropolitan government, is attached to this Charter and made part hereof as Appendix Four hereto.

CHAPTER 5. METROPOLITAN PLANNING COMMISSION

Sec. 11.501. Established.

There shall be a metropolitan planning commission, sometimes in this chapter called "the commission," which shall be the official planning agency for the Metropolitan Government of Nashville and Davidson County.

Sec. 11.502. Number, qualifications, appointment, terms of office and vacancies of members.

The commission shall consist of ten (10) members. The mayor shall serve as a member of the commission by virtue of his public office and one (1) member of the metropolitan county council shall be selected by that body from its membership to serve as a member of the commission for a term of two (2) years.* The member of the council selected to serve as a member of this commission shall be the chairman of the council committee on planning, provided such a committee is established. Eight (8) members shall be appointed by the mayor and shall be confirmed by a majority vote of the whole membership of the council.

The eight (8) members appointed by the mayor shall serve a term of four (4) years, respectively, or until a successor is duly appointed and qualified; except, of the members first appointed, two (2) shall serve for a term of one (1) year, two (2) for a term of two (2) years, two (2) for a term of three (3) years, and two (2) for a term of four (4) years.**

Any vacancy occurring during the unexpired term of any member shall be filled in the manner prescribed herein for the original selection of the members of this commission.

* **Editor's Note**—Prior to September 1, 1996, this sentence read, "The mayor shall serve as a member of the commission by virtue of his public office and one (1) member of the metropolitan county council shall be selected by that body from its membership to serve as a member of this commission." This addition of language specifying the length of term was approved by referendum election held November 8, 1994.

** **Editor's Note**—Prior to September 1, 1996, this sentence was followed by another sentence that read, "The terms of the mayor and the members of the council shall be coextensive with the terms of their respective public positions." Its deletion was approved by a referendum election held November 8, 1994.

Sec. 11.503. Organization; officers; meetings; quorum; business; records.

Immediately upon appointment and qualification, the metropolitan planning commission shall elect one of its appointive members as chairman and one as vice-chairman, each of whom shall serve for a period of one (1) year, respectively, or until his successor shall have been chosen for the ensuing term. The commission may choose such other officers as it deems necessary.

The metropolitan planning commission shall meet regularly at a public building at least once a month and its meetings shall be open to the public. Special meetings may be called by the chairman of the commission or by any three (3) members thereof. Six (6) members shall constitute a quorum for the transaction of any business, which shall be accomplished in accordance with bylaws adopted by the commission. A majority vote of the members present and constituting a quorum shall be necessary to decide any item of business requiring action by the commission. The commission shall maintain a record of its meetings and all actions taken and these records shall be open to the public.

Sec. 11.504. Powers, duties and responsibilities.

The metropolitan planning commission shall have all of the powers, duties and responsibilities which are now or may be hereafter granted to municipal planning commissions, regional planning commissions or metropolitan planning commissions by general state law, including specifically but not limited to such powers, duties and responsibilities with respect to general planning, zoning and subdivision regulations as are granted by the following chapters of title 13 (Public Planning and Housing) of the Ten-

nessee Code Annotated: chapter 3, part 1 (Regional Planning Commissions); chapter 3, part 4 (Regional Planning Regulations); chapter 7, part 1 (County Zoning Regulations); chapter 4, part 1 (Municipal Planning Commissions); chapter 4, part 3 (Municipal Planning Regulations); and chapter 7, part 2 (Municipal Zoning Regulations); provided such powers, duties and responsibilities are not in conflict with the provisions of this article. To the extent that there is any conflict between the powers given a metropolitan planning commission and the powers given a municipal planning commission or a regional planning commission, the commission hereby created shall be deemed a metropolitan planning commission; and to the extent that there is any conflict between the powers given a municipal planning commission and the powers given a regional planning commission, the commission hereby created shall be deemed a municipal planning commission. In addition thereto, the commission shall have such powers, duties and responsibilities as are provided by ordinance.

In the performance of these powers, duties and responsibilities, the metropolitan planning commission shall have the authority, and where appropriate to the context shall be required, to:

(a) Within its budget appropriation and other funds at its disposal employ personnel and enter into contracts for such services as it may require.

(b) Enter into agreements and receive such grants and/or assistance as may be available from the federal or state governments for planning purposes; receive gifts for planning purposes.

(c) Require information which shall be furnished within a reasonable time from the other departments and agencies of the metropolitan government.

(d) Enter upon any land and make examinations and surveys and place and maintain necessary monuments and markers thereon.

(e) Make, amend and add to the master or general plan for the physical development of the entire metropolitan government area.

(f) Exercise control over platting or subdividing of land within the metropolitan government area.

(g) Draft for the council an official map of the area and recommend or disapprove proposed changes in such map.

(h) Make and adopt a zoning plan and recommend or disapprove proposed changes in such plan.

(i) Make, in cooperation with the metropolitan government housing authority, and adopt plans for the clearance and rebuilding of slum areas and for the improvement of blighted areas within the metropolitan government area.

(j) Make and adopt plans for the replanning, conservation, improvements and renewal of neighborhoods, plan-

ning units and communities within the metropolitan government area.

(k) Submit annually to the mayor, not less than sixty (60) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed or otherwise provided during the forthcoming six-year period. Such lists shall be arranged in order of preference with recommendations as to which projects shall be constructed in which years.

(l) Promote public interest in and understanding of planning and its organization and operation, the master or general plan and its constituent parts, and the implementation of planning, including zoning, subdivision regulation, urban renewal, the official map and capital improvements programming. (Res. No. 88-526, § 17, 10-4-88)

Sec. 11.505. Mandatory referrals to planning commission.

Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official.

Sec. 11.506. Department of planning; executive director.

There shall be a department of planning, headed by an executive director. The planning commission shall appoint an executive director and may enter into an employment contract with such person for a period not exceeding five (5) years, and at a compensation to be fixed by the commission.

The executive director shall attend all meetings of the metropolitan planning commission, act as its secretary, keep minutes of its proceedings, direct the staff of the commission in its work, and shall have such other authority, duties and responsibilities as the commission may require and establish or as may be provided by ordinance.

The executive director shall have such executive authority, duties and responsibilities as are now or may be hereafter provided by general state law concerning municipal planning commissions, regional planning commissions or metropolitan planning commissions.

The department of planning shall be organized in such manner deemed appropriate by the planning commission for the performance of its work.

CHAPTER 6. METROPOLITAN BOARD OF FAIR COMMISSIONERS

Sec. 11.601. Created; number, qualifications, appointment and term of office of members.

There shall be a metropolitan board of fair commissioners, which shall consist of five (5) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall serve for terms of five (5) years each, except that the members first appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Any vacancy occurring during the term of a member shall be filled in the manner prescribed for the original appointment and shall be for the unexpired portion of the term.

Sec. 11.602. Functions and duties.

It shall be the duty of the metropolitan board of fair commissioners to:

(a) Exercise all the powers and perform all the duties heretofore or hereafter imposed on the Board of Fair Commissioners of Davidson County, as established by chapter 490 of the Acts of Tennessee for 1909 and chapter 515 of the Private Acts of 1923 and amendments thereto.

(b) Within the limitation of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.

(c) Perform such other duties as may be imposed upon the board by ordinance.

CHAPTER 7. FARMERS MARKET BOARD

Sec. 11.701. Created; number, qualifications, appointment and term of office of members.

There shall be a farmers' market board, which shall consist of five (5) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall hold no other public office or position, and shall serve for terms of five (5) years each, except that of the members first appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Any vacancy occurring during the term of a member shall be filled in the manner prescribed for the original appointment and shall be for the unexpired portion of the term.

Sec. 11.702. Functions and duties.

It shall be the duty of the farmers' market board to:

(a) Exercise all the powers and perform all the duties heretofore or hereafter imposed on the "Davidson County Farmers Market Commission", as established by chapter 400 of the Private Acts of 1949 and any amendments thereto.

(b) Within the limitation of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.

(c) Perform such other duties as may be imposed upon the board by ordinance.

CHAPTER 8. AGRICULTURAL EXTENSION BOARD

Sec. 11.801. Created; number, qualifications, appointment and term of office of members.

There shall be an agricultural extension board which shall consist of seven (7) members to be appointed by the mayor and confirmed by a majority of the whole membership of the council. The members of the board shall have been residents of the area of the general services district outside of the urban services district for not less than two (2) years prior to the appointment and shall continue such residence as a qualification for membership. At least two (2) members of the board shall be female homemakers. The members of the board shall serve for terms of three (3) years each, except that of the members first appointed, two (2) shall serve for a term of one (1) year, two (2) for a term of two (2) years, and three (3) for a term of three (3) years.

Sec. 11.802. Functions and duties.

It shall be the duty of the agricultural extension board to:

(a) Exercise all the powers and perform all the duties of the county agricultural extension committee provided for by Tennessee Code Annotated, section 49-50-104, and otherwise to carry out the purpose of sections 49-50-101 to 49-50-106 of Tennessee Code Annotated by cooperating with the United States Department of Agriculture and the appropriate agencies of the State of Tennessee.

(b) Within the limitations of its budget appropriation and funds otherwise available, employ and fix the compensation of such personnel as may be necessary.

(c) Perform such other duties as may be imposed upon the board by ordinance. (Res. No. 88-526, §§ 18, 19, 10-4-88)

CHAPTER 9. METROPOLITAN TRAFFIC AND PARKING COMMISSION

Sec. 11.901. Created; qualifications, term and selection of members.

There shall be a metropolitan traffic and parking commission, sometimes in this chapter called “the commission.” The commission shall consist of nine (9) members, who shall serve as such without compensation. One (1) member of the commission shall be the chief of police. One (1) member shall be a member of the council selected by the council for a term of one (1) year.* The remaining seven (7) members of the commission shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. Said seven (7) members shall serve terms of five (5) years each, provided that the first members appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Any vacancy due to any cause shall be filled for the unexpired term in the same manner as the original appointment.

* **Editor’s Note**—Effective November 8, 1994, this sentence will read “One (1) member shall be a member of the council selected by the council for a term of two (2) years.” This change was approved by referendum election held November 8, 1994.

Sec. 11.902. Secretary.

The secretary shall serve at the pleasure of the commission and shall be paid such compensation as shall be fixed by the commission within its budgeted appropriation.

Sec. 11.903. Chief traffic engineer.

The commission is authorized to select a chief traffic engineer, subject to the civil service provisions of article 12 of this Charter, who shall have such duties as may be

prescribed by the commission. The chief traffic engineer shall be a graduate of a school of traffic engineering and shall have had at least five (5) years’ experience in traffic administration.

Sec. 11.904. Function of commission as to traffic regulation.

For the purpose of making the roads, streets and other public ways safe for pedestrians, motorists and others, and for the purpose of facilitating the flow of traffic thereon, the commission is hereby authorized to adopt and publish traffic regulations, including the erection of proper signs necessarily and properly connected with or incident to the following:

(a) The location and time when parking shall be limited.

(b) Places where parking shall be prohibited entirely or only during certain hours.

(c) The establishment of stop sign controls for through streets or isolated intersections.

(d) The establishment of traffic signal controls.

(e) The direction in which traffic may use any street or portion of a street.

(f) Restrictions on the size of vehicles using certain streets.

(g) The establishment of speed zones upon metropolitan streets and roads based upon the findings of the commission. When such zones are properly signposted, the speed indicated on the signs shall be the legal speed limit.

Such traffic regulations adopted by the commission shall take effect five (5) days after they have been published in a daily newspaper of general circulation within the area of the metropolitan government and after a certified copy thereof has been filed with the metropolitan clerk and the chief of police. Such regulations, when so adopted, shall have the force and effect of an ordinance and shall be enforced by the metropolitan police. The metropolitan council shall provide by ordinance for the punishment of violators of such traffic regulations and shall fix proper and adequate fines and penalties.

Sec. 11.905. Commission’s review of proposed ordinances.

Where a proposed ordinance affects traffic control or the use of streets by traffic and is not accompanied at introduction by a favorable recommendation of the traffic and parking commission, a copy thereof shall be promptly delivered by the metropolitan clerk to the commission and the same shall not be passed on second reading until the recommendation of said commission with respect to the proposal has been received, or thirty (30) days have elapsed without such recommendation. No ordinance

which affects traffic control or the use of streets by traffic and which has been disapproved by the commission shall be finally passed or become effective unless it shall have been adopted by a two-thirds ($\frac{2}{3}$) majority of the whole membership of the metropolitan council and also then be approved by the metropolitan mayor with a three-fourths majority of the whole membership of the metropolitan council required to override a veto.

Sec. 11.906. Publication of traffic rules and regulations.

It shall be the duty of the commission to publish the traffic rules and regulations of the metropolitan government in convenient pamphlet form, and in the compiling of such rules and regulations the commission may call on the metropolitan department of law for such assistance as may be required.

Sec. 11.907. Management and control of parking meters, garages and other traffic facilities.

The commission shall have power to control and manage parking facilities in any metropolitan street or road, including the installation of parking meters or other necessary equipment in connection therewith. The commission shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the commission and at the office of the metropolitan clerk.

The commission shall also have control and management of any public parking garage or other traffic facilities, and with the acquisition, construction and establishment of the same. The commission may enter into lease agreements with private operators to operate the parking facilities owned by the metropolitan government. The commission is authorized to collect rents, fees or other charges for such parking garage and other traffic facilities as it may operate and manage.

All moneys collected by the commission from parking meters, or any other service charges, shall be remitted by it to the metropolitan treasurer, who shall keep such moneys in a separate account earmarked for traffic and parking improvements.

Sec. 11.908. Powers of commission by private act and ordinance continued.

In addition to other powers herein granted, the commission shall have such powers as may have been granted by private act or ordinance to the traffic commission of the City of Nashville or to the parking board of said city, until

such powers may be modified or changed by ordinance of the metropolitan council.

CHAPTER 10. METROPOLITAN BOARD OF PARKS AND RECREATION

Sec. 11.1001. Established; qualifications, term and selection of members.

There shall be a metropolitan board of parks and recreation, sometimes in this chapter called "the board." The board shall consist of seven (7) members, who shall serve without compensation. One of the members of the board shall be a member of the board of education, selected by said board of education for a term of one (1) year; and another member of the board shall be a member of the planning commission, selected by said planning commission for a term of one (1) year. Five (5) members of the board, who shall hold no other public office, shall be appointed by the mayor and confirmed by a majority of the whole membership of the council. Said five (5) members shall serve terms of five (5) years each, provided that the first members appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Any vacancy due to any cause, other than expiration of term, shall be filled for the unexpired term.

Sec. 11.1002. Powers and duties.

The board shall have the following powers and duties:

1. The board shall supervise, control and operate the park and recreation system of the metropolitan government.

2. It shall formulate the policies to be followed in the administration of the park and recreation system; and shall promulgate such rules and regulations as may be appropriate with respect to the administration of its policies.

3. It shall employ, subject to the civil service provisions of this Charter and within its budget appropriation and other available funds, a director of parks and recreation and such superintendents and other employees as it deems necessary.

4. It shall review, approve, reject or amend the annual budget request as compiled by the director.

5. It shall recommend to the council (a) the sale of any lands owned by the metropolitan government for park or recreation purposes and no longer needed for such purposes, (b) the acquisition by condemnation of any additional lands needed for park or recreation purposes, and (c) the acceptance of any gift of lands offered for park or recreation purposes and useful for such purposes. In the acquisition or disposition of land, the board shall cooperate closely with the planning commission, whose recommen-

dations shall be sought and carefully considered by the board.

6. It shall have the authority to establish the fees and charges within the administration of the park and recreation department. It shall have sole authority of all matters pertaining to the operations of concessions.

Sec. 11.1003. Director of parks and recreation—Qualifications.

The director of parks and recreation shall have at least five (5) years' experience in park or recreation administration in a supervisory or executive capacity.

Sec. 11.1004. Same—Powers and duties.

The director shall be the chief administrative officer in charge of the management of public parks, playgrounds and other recreational areas and of a comprehensive recreation program for the area of the metropolitan government. He shall administer the policies of the board, recommend rules and regulations to the board for its consideration, and perform such other duties as may be assigned to him by the board or by ordinance.

Sec. 11.1005. Police protection for parks.

The board may employ custodial personnel who shall be designated as special police by the chief of police, without obligation to give a public officer's liability bond as provided for by section 8.205 of this Charter, and whose jurisdiction as special police shall be limited to the area of parks, playgrounds and other recreational areas. This section shall not be deemed to interfere with the right of the department of police to exercise police jurisdiction within said areas, nor with the duty to provide such police personnel as may be reasonably requested by the director of parks and recreation for the maintenance of law and order therein.

CHAPTER 11. METROPOLITAN SOCIAL SERVICES COMMISSION*

* **Editor's note**—By an amendment approved at an election held Aug. 4, 1983, §§ 11.1101, 11.1103 were amended by changing "welfare" to "social services." The editor has made a similar change in the chapter title.

Sec. 11.1101. Created; qualifications, term and selection of members.

There is hereby created and established a metropolitan social services commission, sometimes in this chapter called "the commission." The commission shall consist of seven (7) members who shall serve without compensation. The members of the commission shall be appointed by the mayor and confirmed by a majority vote of the whole

membership of the council. The seven (7) members shall serve terms of five (5) years each; provided, that two members shall be initially appointed for one year, two for two years, one for three years, one for four years and one for five years, respectively. Thereafter, as their respective terms expire, members shall be chosen for five years. Any vacancy, other than by expiration of term, shall be filled for the unexpired term.

Sec. 11.1102. Powers and duties.

The commission shall have the following powers or duties:

1. To administer general assistance to residents of the metropolitan government area and emergency assistance to residents and nonresidents of such area under such terms and conditions as may be prescribed by the commission in its rules and regulations.

2. To make social investigations and reports to the council, the selective service and other governmental agencies.

3. To engage in study and research regarding the cause of financial dependency, and methods of better treating such dependency.

4. To administer public and private grants for welfare and relief purposes, and perform related welfare functions.

5. To perform such functions as may be assigned by law to county welfare agencies.

6. To supervise and/or operate welfare facilities.

7. To enter into cooperative agreements with the public welfare agencies of other local governments, the State of Tennessee and the United States Government and with voluntary welfare agencies for the administration of welfare programs.

8. To supervise the operation of the McKay Home, the Municipal Children's Home and the Knowles Homes for the Aged of the former City of Nashville. The Knowles Homes shall be operated in conjunction with the mayor in his capacity as trustee of the Knowles Estate. The supervision of the operation of any or all of the institutions enumerated in this subsection may be transferred by ordinance to the metropolitan board of hospitals.

9. To use in its work any funds appropriated by the council and in its performance thereof to receive donations from firms, individuals and private or governmental agencies.

10. To perform such other functions as may be assigned by ordinance or statute.

Sec. 11.1103. Director of social services.

There shall be a director of social services, who shall be appointed by the commission. The commission may enter into an employment contract with such person for a period

not exceeding five (5) years at a compensation to be fixed by the commission.

The director shall administer the policies of the commission, recommend rules and regulations to the commission for its consideration, and perform such other duties as may be assigned to the director by the commission or by ordinance.

CHAPTER 12. PUBLIC LIBRARY

Sec. 11.1201. Public library provided for.

The metropolitan government shall provide for the maintenance and operation of the Nashville Public Library.

Sec. 11.1202. Public library board—Term and selection of members.

There shall be a public library board, which shall consist of seven (7) members, to be appointed by the mayor and confirmed by a majority of the whole membership of the council. Members of the board shall serve for terms of seven (7) years each; except, that the members first appointed shall be so appointed and designated that the term of one of them shall expire each year in each of the seven ensuing years. Any vacancy occurring during a term shall be filled for the unexpired term. Members of the board shall serve without compensation.

Sec. 11.1203. Same—Powers and duties.

The public library board shall have direct charge of the Nashville Public Library system and shall have the power and duty to administer and control all libraries under its jurisdiction. The board shall have exclusive authority to make expenditures out of the money appropriated for the public library as well as the money collected from fines or received from other sources. Said board is authorized to accept gifts, bequests and contributions from public sources and private persons and corporations.

Sec. 11.1204. Chief librarian.

For the proper administration of the public library, the board shall employ a chief librarian and fix his compensation. He shall be a person with experience in an executive or major administrative position in public library operations. The board may enter into an employment contract with such person for a period not exceeding five (5) years and for a compensation determined therein. The board is authorized to assign to the chief librarian such duties and responsibilities as are customary or usual, including immediate control and management of the public library under the regulations prescribed by the board.

Sec. 11.1205. Public library budget.

The board shall submit to the mayor, through the director of finance, the budget for the public library and it shall be the duty of the council to provide an amount which in its discretion is sufficient for the maintenance and operation of the public library system.

ARTICLE 12. CIVIL SERVICE.²

2. Sheriff may appoint such deputies and other employees as may be necessary to carry out his duties, but in selecting employees to operate the metropolitan workhouse, is bound by the civil service provisions of the Metropolitan Charter, except for the superintendent or warden of such workhouse, who shall be appointed by the sheriff to serve at his will. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 12.01. Personnel policy and administration established.

For the effective conduct of the public business, there is hereby established a personnel policy and administration under which entry into the service shall be on the basis of open competition and service shall be on the basis of merit, efficiency and fitness. The civil service commission, sometimes called commission, shall be responsible for developing and fostering the effectiveness of this personnel policy in the metropolitan government.

Sec. 12.02. Civil service commission—Number, qualifications, selection and term of members.

The commission shall consist of five (5) members who shall have an interest in civil service and merit principles in the public service, who shall otherwise have the qualifications prescribed in section 11.102 of this Charter and who shall serve without compensation. No member of the commission shall hold any public office or position nor be a member of any local, state or national political committee.

The members of the commission shall be appointed by the mayor and shall be confirmed by a two-thirds vote of the whole membership of the council. One member of the commission shall be initially appointed for a period of one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years. Thereafter, appointments shall be for terms of five (5) years, except that when a vacancy occurs prior to the end of a term, the member appointed to fill the same shall hold under such appointment only for the unexpired term. One member of the commission shall be a person actively engaged in the practice of law, one shall be a representative of business or industry, one shall be a representative of labor, and the

remaining members shall be chosen without reference to profession or occupation.

Sec. 12.03. Same—Duties.

In addition to other duties herein specified, it shall be the duty of the civil service commission to:

(a) Advise with and supervise the director of personnel in all continuing improvements of personnel standards and administration in the metropolitan government.

(b) Make any investigation or study it may deem desirable concerning the organization and administration of personnel in the metropolitan government.

(c) Review, approve, revise or modify any action taken by the director of personnel.

(d) Make annual reports and such special reports as it may consider desirable to the mayor and council.

(e) Upon request of an affected employee, review suspensions, demotions or separation from service of any employee in classified service, and to render decisions thereon, subject to its rules.

Sec. 12.04. Director of personnel.

There shall be a director of personnel, who shall be appointed by the commission, subject to the civil service provisions of this Charter, and who shall have had training and experience in personnel administration. The salary of the director of personnel shall be prescribed in the pay plan provisions of this article, with a salary of twelve thousand (\$12,000) dollars per annum, payable semimonthly. In addition to other duties herein specified, it shall be the duty of the director of personnel to:

(a) Administer the civil service program of the metropolitan government under the supervision of the civil service commission and subject to its rules.

(b) Attend all meetings of the civil service commission, to act as its secretary, and keep minutes of its proceedings.

(c) Direct and supervise the department of personnel.

(d) Appoint, with the approval of the commission and subject to the civil service provisions, such employees of the department of personnel as may be necessary.

(e) Establish and maintain a roster of all employees of all departments, commissions and agencies of the metropolitan government which shall reflect such data and information as may be deemed necessary regarding personnel organization and administration.

(f) Prepare and maintain an up-to-date record of the authority, duties and responsibilities of each position in the classified service.

(g) Develop, in cooperation with the appointing authorities of the metropolitan government, training and educational programs for employees in the metropolitan service.

(h) Periodically review the operation and effect of personnel provisions of this Charter, the rules promulgated by the commission, the classification plan and the pay plan, and to report his findings and recommendations to the commission.

In making appropriations for the civil service commission, the council shall provide sufficient funds to maintain the up-to-date record required for job classification.

Sec. 12.05. Selection and dismissal of metropolitan employees; limitation on number of positions held.

The civil service commission shall provide all candidates for appointment to the classified service. In accordance with rules and procedures which the commission believes will best serve the personnel policy, candidates shall be rated by competitive examination as "Outstanding," "Well Qualified," "Qualified," and "Unqualified." The duration of each list shall be prescribed by the commission, but none shall be less than six (6) months or more than three (3) years.

The appointing authority shall select his employees from those candidates available in the highest qualified rating. The employee appointed will be a probationary employee for the training period. After the minimum time prescribed by the commission for the position, but before the end of the probationary period not to exceed six (6) months, the appointing authority may terminate an appointee whose training period performance indicates that he will not meet the job requirements. After the probationary period, each employee shall become a member of the classified service.

No employee in the metropolitan service may hold more than one position or employment in the metropolitan service, except that school personnel between school years may be employed to work in other departments.

No employee in the classified service may be terminated, or suspended from the service, or demoted in pay grade, except for cause and after a hearing before the department head or other appointing authority, with prior reasonable notice, in writing, of the proposed action and the reasons therefor, provided, that when an employee is suspended for cause such suspension shall not exceed an accumulation of thirty (30) working days during a twelve (12) month period. Any employee terminated from the classified service or suspended or demoted in pay grade, by his simple written request to the commission, shall have the action reviewed by the commission. If the commission does not approve the action, it may modify or reverse it, and provide whatever recompense is indicated, which shall not exceed net loss of earnings. In a review by the commission of any disciplinary action, the disciplinary author-

ity shall bear the burden of proof of just cause for discipline. (Res. No. 72-380, § 1, 11-7-72)

Sec. 12.06. Adoption of rules by civil service commission.

The director of personnel shall recommend to the commission such rules as he considers necessary to carry out the provisions of this article. Thereupon the commission shall fix and hold a public hearing with respect to the rules or their amendments so recommended and within sixty (60) days after such recommendation the commission shall act on such rules or amendments. The commission may approve or reject such recommended rules or amendments in whole or in part, or it may modify and approve them as so modified. Thereafter, the commission may amend or add to the rules on recommendation of the director or on its own initiative, but only after a public hearing on proposed amendments.

The commission shall review said rules periodically for the purpose of revision and in a manner appropriate to sound practices of personnel organization and administration. It shall arrange for the printing of said rules and for their distribution.

Sec. 12.07. Substantive content of rules of the commission.

The rules of the commission shall provide for the efficient organization and administration of employment and regulatory practices by the metropolitan government calculated to preserve the rights of employees and enhance public confidence in a merit system and shall include but not be limited to the following:

- (a) Administration of the classification plan.
- (b) Administration of the pay plan.
- (c) The method of holding competitive examinations for positions in the classified service. In connection with such examinations the rules shall provide for open competitive examinations to be conducted by the director of personnel for the purpose of filling vacancies or making original appointments in the classified service; public announcement thereof after giving reasonable notice; the granting of preferences to former members of the armed forces of the United States; the appointment of examining boards; and the establishment of minimum standards for applicants for such examinations.
- (d) The establishment, maintenance, consolidation and cancellation of eligibility and promotion lists, and the manner in which appointments shall be made. Such rules shall provide a method for establishing reemployment lists containing names of persons separated from positions for reasons other than cause or delinquency on their part; and the time such lists shall remain in effect; for the ranking of

eligibles in accordance with ratings earned in tests; for consideration of records of performance, seniority and conduct; for the length of time that promotion and employment lists shall remain in force; and for the method of certifying vacancies and making appointments generally and certifying eligibility therefor; for working test periods; for a method of temporary appointments in the absence of eligible lists, and the limitations thereon, and for emergency appointments.

(e) The application of service ratings, hours of work, attendance regulations, holidays, and leaves of absence.

(f) The manner in which lay-offs shall be effected giving due consideration to the seniority rights of employees.

(g) A method of transferring employees within a department, and from one department to another, provided nothing in such rules shall authorize the transfer of an employee into the police and fire departments of the metropolitan government from other departments unless such employees meet all the entrance requirements of these two departments as established by this Charter and by the rules of the commission.

(h) The disciplinary action within the classified service. Rules with respect to such action shall provide that when an employee requests a review of disciplinary action taken against him, as provided in section 12.05 above, such employee shall be furnished a copy of the basis of his discipline not less than fifteen days prior to such hearing, and said rules may provide for the amendment of grounds for discipline upon reasonable notice to the employee.

It shall be mandatory that the rules provide that the judgment and findings of the commission on all questions of fact, in the hearing of charges preferred against any classified employee under the provisions of this article, shall be final and shall be subject to review only for illegality or want of jurisdiction, excepting only cases where classified employees have been dismissed from the service by judgment of the commission, in which case such dismissed employee may prepare and file the record of the proceedings, including a transcript certified by the chairman of said commission, in the circuit and chancery courts of Davidson County, where the case may be heard de novo solely upon the record so certified; provided, that such transcript must be presented to and signed by the chairman of the commission within thirty (30) days after the commission shall have announced its findings, and provided that an extension of time may be granted for this purpose not to exceed thirty (30) days. Any person, other than a member of the commission, may file and prefer charges against any classified employee.

Rules of the commission when adopted as provided herein shall have the full force and effect of law.

Within one (1) year after adoption of the rules or any amendments thereto, any employee who deems himself adversely affected thereby, or any citizen, shall, upon written request therefor, be afforded a public hearing before the commission. The commission, after a hearing, may reaffirm its approval of the rules or make such modifications as it shall deem necessary.

Sec. 12.08. Positions in classified service and in unclassified service.³

All positions in the metropolitan government shall be in the classified service except the following, which are hereby declared to be in the unclassified service.

(a) All officers of the metropolitan government and of the county elected by popular vote, and officers appointed to fill vacancies in any such elective position.

(b) The director of finance, private secretaries of directors as designated herein, the administrative assistants to the mayor, the metropolitan attorney, the deputy metropolitan attorney, the assistant metropolitan attorneys, and employees in the office of the mayor, exclusive of any such employees who may have otherwise attained a civil service status prior to the effective date of this Charter.

(c) Members of boards or commissions in the metropolitan government, except as otherwise provided in this Charter.

(d) The executive director or secretary for every board or commission of the metropolitan government, and such principal professional personnel or professional positions on the staff not formerly under civil service of said board or commission as he may designate subject to the approval of said board or commission.

(e) All professional personnel employed by the board of health and the board of hospitals.

(f) All teachers employed by the board of education.

(g) Employees of the Nashville Electric Power Board; provided, however, that those employees of the Nashville Electric Power Board who are in active service on the effective date of this Act⁴ shall continue to hold all civil service rights and benefits heretofore provided for pursuant to the provisions of chapter 246 of the Private Acts of the General Assembly of Tennessee for 1947 and any amendments thereto.

(h) Employees in the office of the county or probate judge of Davidson County.

(i) Officers heretofore elected by the Quarterly County Court of Davidson County.

(j) Deputies of the following officers: Circuit court clerk, criminal court clerk, chancery clerk and master, county court clerk, trustee, tax assessor, register; and court officers, stenographers and clerks appointed by judges;

whether or not compensated by the metropolitan government.

(k) Employees of the board of fair commissioners, of the farmers' market board and of the agricultural extension board.

(l) Those persons employed on special projects paid from any bond funds of the former City of Nashville or former County of Davidson or future bond funds of the metropolitan government; seasonal employees, who are herein defined as those whose service does not exceed four (4) months in any twelve (12) months period; and emergency employees as defined from time to time by rules and regulations of the commission.

(m) Those persons whose professional services are needed from time to time on particular matters.

3. Sheriff and superintendent of metropolitan workhouse, although not listed by this section as being in the unclassified service, are not subject to the classified service of the metropolitan government. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

4. April 1, 1963.

Sec. 12.09. Civil service commissions for board of health, board of hospitals and board of education.

With respect to nonprofessional personnel employed by the board of health and the board of hospitals, and with respect to nonteaching employees of the board of education, the employing board shall constitute a civil service commission for its respective employees and in so acting said boards shall, to the extent deemed practicable, conform to the provisions of this article as to the adoption of rules, the discipline or dismissal of employees, the classification of positions and the adoption of a pay plan.

Sec. 12.10. Adoption of classification and general pay plan.

The commission shall direct the director of personnel to make or cause to be made:

(a) A job description of every position in the classified service.

(b) A classification plan which will assign each position by title to one class.

(c) Assignment of each classification to grades equitably related to each other on the basis of function, responsibility and nonwage benefits, with the percentage between the high and low salary range for each grade. Upon the approval of the commission, any such determinations shall have the effect of law.

The director of personnel shall, after the approval of the commission, recommend to the director of finance, the

desirable salary ranges for each grade. The director of finance shall approve or modify the ranges for each grade, and forward the same with a statement of full budgetary implications, to the mayor for his approval. The mayor shall approve the plan or approve it subject to his modifications, but neither the director of finance nor the mayor may alter or destroy the relationships between the grades. Thereupon, the mayor shall submit the same to the council with recommendation that it be adopted.

The council shall (1) adopt the general pay plan, or (2) adopt the same as amended but without modifying the plan except by uniform modification of all grades, or (3) reject the same. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a general pay plan is rejected by the council, it shall be returned to the commission which shall thereupon formulate another general pay plan and transmit the same to the mayor for handling under the procedures above set forth.

“Upon approval of the plan by the mayor and council, this shall be the pay plan under which all covered employees must be paid, with the exception of the department of metropolitan police and the department of fire, the employees of which shall be paid in accordance with the provisions of section 12.13 below.”

Whenever it may be deemed desirable to create any new position in the metropolitan government, the director or head of the department affected shall present a request in writing to the mayor and the civil service commission for investigation. Not later than fifteen days after the same is filed, if the mayor thinks the creation of the position in the public interest, he shall transmit the ordinance for this purpose, together with the civil service commission's written job description and assignment of the proposed position to the appropriate class in the classification plan. Where a proposed ordinance creates a new position and is not accompanied by such recommendation, copy thereof shall be promptly furnished by the metropolitan clerk to the mayor and to the civil service commission, and the same shall not be passed on second reading until their recommendations have been received or fifteen (15) days have elapsed without such recommendations.

Any position, job or employment hereafter created in the manner above provided, shall be in the classified service as herein defined and subject to all the rules of the civil service commission, except as the ordinance creating the same or this Charter may otherwise provide.

The director of personnel shall maintain adequate records for all employees; he shall require, at least once a year, performance reviews on each employee on such form or forms as the director provides. The director of personnel shall certify that each payroll in question complies with the

personnel policy established by this article. No payroll may be paid without this certification.

Editor's note—An amendment to § 12.10 was approved at an election held Nov. 4, 1986.

Sec. 12.11. Offenses against civil service and disabilities of civil service employees.

No person shall attempt to use any political endorsement in connection with any appointment in the classified service. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person, an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for a consideration.

No employee in the classified service, and no member of the commission, shall directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purposes, or solicit or take part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the classified service.

No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a political party, or an officer or member of a committee of a partisan political club, or shall take any part in the management of the affairs of any political party, or in any political campaign, except to exercise his right as a citizen privately to express his opinions and cast his vote. Any classified employee who violates any of the foregoing provisions of this section shall forfeit his office or position.

No person elected to public office within the metropolitan government shall, during the term for which he was elected, be appointed to any other position in the metropolitan government, except as otherwise specifically provided in this Charter.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration, for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantages in, a position in the classified service.

No employee of the department of personnel and no member of the commission, or other person, shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment hereunder, or furnish to any person any special or secret information for the

purposes of affecting the rights or prospects of any person with respect to employment in the classified service.

Any officer or employee of the metropolitan government who violates the provisions of this section shall forfeit his office or position.

Sec. 12.12. Continuance of existing civil service rights of county and city employees.

Nothing in this article or charter shall impair or diminish the rights and privileges of existing employees of the County of Davidson or the City of Nashville under civil service; and such rights and privileges shall continue without impairment as obligations of the metropolitan government.

Sec. 12.13. Pay plan for employees of metropolitan police department and fire department.

Employees of the metropolitan police department and fire department shall be classified and paid in accordance with a separate and distinct pay plan. The procedures set forth in section 12.10, applicable to the general pay plan, shall be followed in establishing the pay plan for employees of the metropolitan police and fire departments; provided, however, that no employee or position shall suffer a reduction in pay or other benefits in the establishment of the separate pay plan for the police and fire departments, and provided further that these procedures will be replaced in the event this Charter shall be amended to establish collective bargaining procedures between employees of the police and fire departments and the metropolitan government.

Editor's note—Section 12.13 was added at the election held Nov. 4, 1986.

ARTICLE 13. SYSTEM OF EMPLOYEE BENEFIT PLANS

Sec. 13.01. Adoption.

A. system of employee benefit plans which include disability and retirement benefits and which may include medical insurance benefits and life insurance benefits, shall be adopted for officers and employees of the metropolitan government for whom such plans are not provided by other sections of this Charter.

Sec. 13.02. Metropolitan employee benefit board—Created.

A. metropolitan employee benefit board (sometimes in this article called "board") shall be created to administer, manage and coordinate the employee benefit plans of the

metropolitan government as well as the retirement plans listed in section 13.09 (a)-(c) of this article.

Sec. 13.03. Same—Composition and selection of board; terms and qualifications of members.

The board shall be composed of ten (10) members, as follows: The director of finance and the director of personnel shall be members by virtue of their official positions. Three (3) members shall be appointed by the mayor, subject to confirmation by the council, and shall possess an interest in benefit and retirement programs, and one (1) shall have at least ten (10) years business experience, and all three (3) shall be on the investment committee. They shall serve for terms of three (3) years each, except that the members first appointed shall serve for terms of one (1) year and two (2) years respectively. Five (5) members shall be selected by their own number, one (1) from the police department, one (1) from the fire department, two (2) from all other departments of metropolitan government and one (1) from among the retired employees. The employee members shall serve for terms of three (3) years each, except that the members first selected by the employee groups shall serve for terms of one (1) year, two (2) years, and three (3) years respectively. All members of the board, including the chairman, shall be entitled to vote on all issues.

The director of personnel, with the approval of the metropolitan civil service commission, shall announce a plan for the conduct of an election to be held by the employee members of the board. The election shall be conducted under the supervision of the director of personnel, who shall immediately report to the commission the name of the employee receiving the required votes in such election, which report shall be spread upon the minutes of the commission. Upon such certification by the director of personnel to the commission, the successful candidate shall thereupon enter his duties as a member of the board.

The members appointed by the mayor, and confirmed by the council, shall hold no public office and shall not be a member of any local, state or national committee. All vacancies on the board shall be filled for the unexpired portions of any term in the manner above prescribed for their respective positions.

In the performance of its staff functions, the board, its investments committee and the study and formulating committee hereinafter created may utilize the office and clerical staff of the director of personnel or there may be employed by the board a secretary who shall have had training and experience in pension and retirement administration. (Res. No. 72-380, 10-3-72; Substitute Res. No. 78-1051, 9-19-78)

Sec. 13.04. Investments committee.

The director of finance and the two members of the employee benefit board selected by the mayor shall be and constitute the investments committee of the board. Said committee shall regulate and determine all matters dealing with investment of funds committed to the board and shall have full and complete control over all investments, subject to the provisions of this Charter and of other applicable law. No other member of the board shall have authority to vote or participate in decisions dealing with investment of funds committed to the board. The investments committee shall be and constitute an administrative board of commission for the purpose of regulations and duties prescribed by chapter 1 of article 11 of this Charter. All actions taken by the investments committee shall have the approval of at least two members thereof.

Full minutes shall be kept of all actions of the investments committee, which shall be public records as defined by state law. Said investments committee shall at least annually make a detailed accounting of its investments, income and expenditures, and file the same with the board, the mayor and the council. This report shall be a public record, and shall show the time, place, company, firm, person or individual in each instance dealt with, the nature and type of transaction involved, the nature and type of investment; the nature and type of income derived from such investment and any other information reasonably required to determine the exact financial status of all transactions. Any affected employee, upon request and at his expense, shall be furnished copies of such report or of designated portions thereof.

Said investments committee shall manage, invest and distribute the fund or funds maintained in connection with the system of employee benefits plans for officers and employees of the metropolitan government, as well as the retirement plans listed in section 13.09 (a)-(c) of this article; provided, however, that no investment shall be made except in securities and properties which at the time of making the investment are permitted by statute for the investment of funds by fiduciaries in the State of Tennessee.

Sec. 13.05. Duties of metropolitan employee benefit board.

In addition to the other duties imposed by this Charter or by general law, it shall be the duty of the board to:

- (a) Hold regular monthly meetings, which shall be open to the public.
- (b) Coordinate and communicate to officers and employees of the metropolitan government, the system of employee benefit plans for officers and employees of the

metropolitan government, and to manage and administer such system of employee benefit plans as well as the retirement plans listed in section 13.09 (a)-(c) of this article.

(c) Make such expenditures as may be necessary in fulfilling its duties, within the limit of its budget appropriation.

(d) Construe any employee benefit plans adopted by the metropolitan government as well as any retirement plan listed in section 13.09 (a)-(c) of this article, and to determine all questions that may arise thereunder, including questions relating to the eligibility of any person employed by the metropolitan government to become a member of any such employee benefit plan and the amount of benefit to which such person, or any member of a retirement plan listed in section 13.09 (a)-(c) of this article may become entitled thereunder.

(e) Adopt such rules, regulations and procedures as it may deem necessary in fulfilling its duties.

(f) Advise the mayor and the council of the anticipated financial requirements of each employee benefit plan adopted by the metropolitan government, as well as the retirement plans listed in Section 13.09 (a)-(c) of this article so that such financial requirements shall be included in the budget and tax levy ordinances for the ensuing fiscal year.

Sec. 13.06. Study and formulating committee; preparation, consideration and adoption of plan for employee benefits; subsequent committees provided for.

There shall be a study and formulating committee consisting of five (5) persons appointed by the mayor and approved by the council. This committee shall make a study and formulate a plan for employee benefits, which shall include disability and retirement benefits and which may include medical insurance benefits and life insurance benefits. Such study shall include the design, the possible coordination of any of the employee benefit plans of such system with the Social Security Act, the administration and financing of such system and all properly related matters. For the purposes of its study and formulation, the committee is authorized to:

(a) Within the limits of its appropriation, employ the services of legal counsel, investment consultants, actuarial consultants, and the services of others which in the sole discretion of the committee may be necessary to perform its duties.

(b) Obtain from any department, board, commission, agency, officer or employee of the metropolitan government information and data with respect to the compensation of any officer or employee; his length of service with

the metropolitan government, the former City of Nashville or the former County of Davidson; his retirement or other cause of termination of employment; his contribution to any employee benefit plan of the metropolitan government as well as any retirement plan listed in section 13.09 (a)-(c) of this article; and such other pertinent information and data as the board may require.

The council is hereby authorized and required to appropriate such funds as may be reasonably necessary for the work of said committee.

Within one year after its appointment, unless the time be extended by resolution of the council, the study and formulating committee shall submit to the employee benefit board a proposed system of employee benefit plans for officers and employees of the metropolitan government. Said board shall either approve the plan or indicate the specific changes which it recommends in connection therewith. Thereupon the board shall submit the approved plan or the original plan with recommended changes to the council for its action thereon and for the enactment of a system of employee benefit plans.

The mayor shall from time to time thereafter, and at least once every five years, appoint a subsequent study and formulating committee to study benefits, contributions, extent of coverage, actuarial soundness and related matters in connection with the system of benefit plans and to submit to the employee benefits board such amendments as such study may indicate as necessary.

Sec. 13.07. Eligibility of officers and employees of metropolitan government.

Wherever used in this article, the term "officers and employees of the metropolitan government" shall mean all officers, including metropolitan judicial officers, and all employees, including classified and unclassified employees, who are regularly employed by the metropolitan government, who are not excluded in accordance with the provisions of section 13.08 of this article, or any other provision of this Charter, and who meet any other eligibility and participation requirements of the system of employee benefit plans adopted by the metropolitan government, but said term shall not include teachers whose benefits system is administered by the metropolitan board of education, as provided in section 13.09 hereof.

Such officers and employees of the metropolitan government shall be members of the system of employee benefit plans established by the metropolitan government and shall not be members of any of the retirement plans listed in section 13.09 (a)-(c) of this article, or in any teachers' benefits system.

Sec. 13.08. Exclusion of certain persons.

Notwithstanding any provision of this Charter to the contrary, any officer or employee of the former City of Nashville or the former County of Davidson who on the day before the effective date of this Charter^{4a} was an active or retired member of any retirement plan listed in section 13.09 (a)-(c) of this article shall not be eligible to become a member of the system of employee benefit plans for officers and employees of the metropolitan government; provided, however, that each such officer and employee of the former City of Nashville or the County of Davidson may elect voluntarily, subject to the written approval of the board, to transfer his membership from the applicable retirement plan listed in section 13.09 (a)-(c) of this article to membership in such system of employee benefit plans for officers and employees of the metropolitan government. No employee of the electric power board nor any teacher employed by the metropolitan government shall be eligible to become a member of the system of employee benefit plans for the officers and employees of the metropolitan government provided by this article. Notwithstanding any provision of this Charter to the contrary, no person employed by the metropolitan government shall be eligible to become a member or shall continue to be a member of more than one of any of the following:

(a) The system of employee benefit plans for officers and employees of the metropolitan government.

(b) Any retirement plan listed in Section 13.09 (a)-(c) of this article.

(c) The retirement plan for employees of the electric power board.

(d) Any retirement plan for teachers (1) of the former City of Nashville, (2) of the former County of Davidson or (3) of the metropolitan government hereafter adopted pursuant to Section 9.07 of this charter.

* 4a. April 1, 1963.

Sec. 13.09. Continuing rights under retirement plans of former City of Nashville or former County of Davidson.

Pension rights under Section 9.07 of this charter may include medical insurance benefits, and life insurance benefits. Said pension rights, together with those provided by Section 9.06 hereof, shall be administered by the board of education and both shall be an obligation and liability of the metropolitan government. In addition all benefits payable to members, retired members, and their survivors, in accordance with any of the following retirement plans of the former City of Nashville or the former County of Davidson as such plans existed prior to the effective day of this charter shall continue unimpaired for the same dura-

tion provided in such plans as they existed prior to the effective date, and such benefits shall be an obligation and liability of the metropolitan government:

(a) The pension, retirement and benefit plan for policemen and firemen of the former City of Nashville created in accordance with the provisions of Article 48 of Chapter 246 of the Private Acts of 1947, and all amendatory acts thereof.

(b) The pension, retirement and benefit plan for the city judge and civil service employees of the former City of Nashville created in accordance with the provisions of Article 48 of Chapter 246 of the Private Acts of 1947 and all amendatory acts thereof.

(c) The retirement plan for officers and employees of the former County of Davidson created in accordance with the provisions of Chapter 274 of the Private Acts of 1943, and all amendatory acts thereof.

It shall be the duty of the investments committee in addition to the duties hereinabove set forth to manage, invest and reinvest the funds and assets of the retirement plans listed in this Section 13.09 (a)—(c), which funds and assets shall be maintained as separate funds in one or more funds of the system of employee benefit plans for the officers and employees of the metropolitan government, as said committee may determine in its sole discretion. It shall be the duty of the employee benefit board to assume jurisdiction over, to administer, and to interpret the provisions of the retirement plans listed above in this Section 13.09; to codify and restate such retirement plans if the board determines that such codification and restatement would be an administrative convenience, and to exercise the duties granted the board in Section 13.05 of this charter with respect to such retirement plans; provided, however, that no provision of this charter shall be construed to affect in any way the benefits payable to members and their survivors of the teachers' retirement plans of the former City of Nashville or the former County of Davidson; and provided, further, that the board shall suspend, as a condition precedent to the employment of any person by the metropolitan government, the benefits payable under such retirement plan during the period such person is regularly employed by the metropolitan government.

Provided any member receiving a service pension of the metropolitan government or the former City of Nashville or former Davidson County shall be entitled to receive their service pension and still serve as a member of the metropolitan council. This provision shall supersede any provision of the Charter or the applicable pension plans to the contrary. (Res. No. 72-380, § 1, 11-7-72; Res. No. 74-869, § 1, 11-5-74; Substitute Res. No. 78-1051, 9-19-78)

Sec. 13.09.1. Benefit increase plan.

The appropriate administrator of the system of employee benefits plans shall, after the approval of the metropolitan employee benefit board, recommend to the director of finance, the desirable plan of increase in benefits payable to members, retired members, and survivors of members of the retirement plans listed in Section 13.09 (a)—(c). The director of finance shall approve or modify the plan increase, and forward the same, with a statement of full budgetary implications, to the mayor for his approval. The mayor shall approve the plan or approve it subject to his modifications. Thereupon, the mayor shall submit the same to the council with recommendations that it be adopted effective at the beginning of the next fiscal year, except the effective date for the fiscal year beginning July 1, 1975, shall be as stated by adopting resolution.

The council shall (1) adopt the benefits increase plan, or (2) reject it. Adoption or rejection shall be by resolution not requiring the approval of the mayor. When a benefit increase plan is rejected by the council, it shall be returned to the metropolitan employee benefit board, which may thereupon formulate another benefit increase plan and transmit the same to the mayor for handling under the provisions above set forth.

Upon the approval of the plan by the mayor and the council, this shall be the benefits payable to members, retired members, and survivors of members of the retirement plans listed in Section 13.09(a)—(c). (Res. No. 72-380, § 1, 11-7-72; Res. No. 74-869, § 1, 11-5-74)

Sec. 13.10. Retirement plans to be actuarially sound.

Any retirement plan adopted by the metropolitan government pursuant to Section 13.06 hereof shall be actuarially sound; that is, annual contributions shall be made by members of such retirement plans and by the metropolitan government to a fund or funds established and invested for the sole purpose of financing benefits provided in accordance with the provisions of such retirement plans. The amount of such annual contributions by the employees and the metropolitan government shall be determined as the sum of normal cost and five (5) percent of the unfunded past service liability, where normal cost and past service liability shall be determined actuarially by a qualified independent actuary based on the entry age normal cost method of funding or the unit credit cost method of funding.

Sec. 13.11. Separate funds; payments from funds; reports.

All assets of any fund maintained in connection with the system of employee benefit plans of the officers and

employees of the metropolitan government, as well as the retirement plans listed in section 13.09 (a)—(c) of this article, shall be maintained separate and apart from all other funds of the metropolitan government. The metropolitan treasurer shall keep a separate account for each such fund and a separate record indicating each disbursement of such fund. Payments from such fund or funds shall be made only on order of the board by a warrant to be signed by a person designated by the board and to be countersigned by the metropolitan treasurer. The metropolitan treasurer shall submit to the board monthly financial reports and such other reports as the board may require.

Sec. 13.12. Expense for treatment of accidental injury in course of employment to be borne by metropolitan government.

Any employee of the metropolitan government entitled to benefits under any benefit plan established for the metropolitan government, who is injured by accident arising out of and in the course of his employment, shall be entitled to emergency treatment at the nearest or most available doctor's office, hospital or clinic, at the expense of the metropolitan government. Any further treatment, in addition to the emergency treatment herein provided for, shall be furnished the employee free of charge by doctors, nurses, etc., in the employment of board of hospitals. In the event it is determined that specialized treatment not available at a metropolitan hospital should be made available to such employee, then the same shall be made available at the nearest point or place where such specialized treatment is available, which treatment shall be paid for by the metropolitan government.

Sec. 13.13. Death benefits.

If no other death benefit financed in whole or in part by the metropolitan government is available, then benefits shall be paid on the death of an employee caused by any injury by accident arising out of and in the course of employment. The amount of the payment shall be the sum of five thousand (\$5,000) dollars, and payment shall begin within sixty (60) days after death to the surviving spouse, and if no spouse, to the next of kin without necessity for appointment of an executor or administrator. Determination by the board as to who is entitled to payment of death benefits and the payments made pursuant to such determination shall be final and conclusive. No payment shall be made where the personal injuries resulting in death were due to the employee's willful misconduct or intentional self-inflicted injury, or due to intoxication, or willful failure or refusal to use a safety appliance or perform a duty required by law. No payment shall be made in the case of death due to sickness or disease. The words "employee of

metropolitan government," as used in this section, shall not include any member of a board or commission created by this Charter or pursuant to it, and shall not include any contractor or employee of a contractor doing business with the metropolitan government.

Written notice of personal injury shall be given to the board and to the mayor on behalf of an employee within thirty (30) days after such personal injury was sustained. In the event of claim for death benefit, the board shall make or cause to be made a full investigation of the facts and shall determine, on the basis of written opinion of the metropolitan attorney, whether the claim is legally and properly payable.

The death benefit payment of \$5,000 shall be made as follows: The sum of five hundred (\$500) dollars shall be paid at the time of the initial settlement, and the balance shall be paid at the rate of one hundred (\$100) dollars per month for forty-five (45) consecutive months. Payments made pursuant to this section shall be free from the claims of creditors and not subject to attachment, garnishment or other process of law.

The provisions with respect to death benefits shall apply to all persons employed by the metropolitan government, including the employees of all departments, boards and commissions.

ARTICLE 14. METROPOLITAN GENERAL SESSIONS COURT

Sec. 14.01. Created; parts.

There is hereby created and established a metropolitan general sessions court in and for the County of Davidson, State of Tennessee, which shall be divided into nine (9) parts; each of which shall be designated in their respective divisions, Metropolitan General Sessions Court of Nashville and Davidson County, Tennessee. (Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.02. Jurisdiction and authority; justices of the peace divested of certain jurisdiction and authority.

The metropolitan general sessions court of Nashville and Davidson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise all the authority conferred by law upon justices of the peace in civil and criminal cases, suits and actions; and the jurisdiction of the justices of the peace of Davidson County are hereby divested of all such jurisdiction and authority. The court shall have exclusive jurisdiction to hear, try and dispose of cases involving the breach of any and all ordinances, regulations, resolutions and private acts of the metropolitan government, and to impose fines for said breach of any and all

ordinances, regulations, resolutions and private acts of the metropolitan government. It shall have exclusive jurisdiction to hear, try and dispose of cases in which violations of traffic laws, ordinances regulations and resolutions of the metropolitan government are charged, or in which offenses are charged under state law regulating the operating, maintenance of motor vehicles and to impose fines for violation of such laws, ordinances, regulations and resolutions and to suspend the driver's license of any person found guilty of such violation as the case may be. Said court shall have jurisdiction to bind over offenders to the grand jury where probable cause is found to exist in cases involving violation of the criminal laws of the state and, in lieu of bond, to commit to jail persons so charged. The court shall exercise all the jurisdiction and authority now and hereafter conferred by general act upon the court of general sessions. (Res. No. 71-1222, § 1, 8-5-71)

Editor's Note—In addition to the amendment adopted by Res. No. 1222, § 14.02 was also amended at election held Aug. 4, 1983.

Sec. 14.03. Trial upon plea of guilty or waiver of indictment, presentment of grand jury investigation and jury trial.

The court is hereby vested with jurisdiction and authority to try and determine and render final judgment in all misdemeanor cases brought before it either by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits, or expressly waives an indictment, presentment of a grand jury investigation and a jury trial. In any such case, the trial is presented before the judge without the intervention of a jury. It shall be the mandatory duty of the judge of said metropolitan general sessions court when a defendant is brought before the court upon arraignment or trial to advise such defendant of his constitutional rights to the aid of counsel, the right to be tried only upon presentment or indictment preferred by a grand jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment preferred by a grand jury and the right to a trial by jury of his peers, the court may proceed to hear and determine said case as provided hereinabove. Said waiver shall be written on or attached to the warrant stating in words and figures as follows:

The defendant pleads. guilty to the offense of and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives a trial by a jury of his peers.

.....
(Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.04. Judges—Number; qualifications.

There shall not be more than one (1) judge for each division of said court as provided in section 14.01 herein; each judge possessing the qualifications and being duly elected for the term of office as provided in article 6, section 4 of the Constitution of the State of Tennessee, for judges of inferior courts. Nine (9) judges are hereby authorized to serve the court and they are as follows, to wit: Six (6) duly elected general sessions court judges of Davidson County, Tennessee, which shall be the judges of divisions I—VI, and the existing duly elected judges of the metropolitan court of Nashville, Tennessee, who shall be the judges of divisions VII through IX; and additional judges may be provided by act of the state legislature as it shall deem necessary; and by appointment and/or election as provided further herein. In addition to the qualifications prescribed in the Constitution of the State of Tennessee, the judges of said court shall have been licensed to practice laws by the Supreme Court of Tennessee for not less than five (5) years prior to election to office, and shall have been residents of Nashville, Davidson County, Tennessee, for not less than the same period; and shall not be less than thirty (30) years of age or more than sixty-five (65) years of age at the time of their qualification; providing, that the provisions hereinafter set forth regarding age shall not apply to judges holding office at the time this amendment is adopted as provided further herein. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.05. Same—Election; term of office.

The first nine (9) judges of the court hereby transferred shall serve the court until their tenures of office to which elected expires, and all branches of the court shall be filled by the qualified voters of Metropolitan Nashville, Davidson County, Tennessee, in the August 1974 general election for term of eight (8) years from the first day of September, 1974, and subsequently at the August general election thereafter for each like term. The judges to serve the court hereinbefore set out shall be the judges of the respective divisions I—IX, respectively. Additional judges authorized by act of the legislature as provided in section 14.04 hereof, shall be elected at the next general election following their appointment and subsequently at the next general election required for judges of the entire court. Each person seeking election as a judge of said court shall be required to run for a specific division, branch or part as

established hereinabove. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.06. Same—Oath of office.

The oath of office prescribed for judges of said court shall be the same as that prescribed for circuit judges and chancellors and shall be taken and filed with the court administrator of the metropolitan general sessions court. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.07. Same—Compensation; restrictions on practice of law.

The judges of the court shall be paid the same compensation and shall be under the same restriction as to the practice of law as provided by general law for judges of the circuit court of Davidson County; and such compensation shall be paid in at least equal monthly installments out of the general funds of the metropolitan government of Nashville and Davidson County. (Amended by Res. No. 65-671, § 1, 7-20-65; Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.08. Same—Retirement benefits; removal from office.

The judges of said court shall be eligible to all retirement benefits as provided by general law for county paid judges. The now existing metropolitan judges, who will be the judges of divisions VII, VIII and IX of the court, shall have the right to elect as to whether or not they shall remain under the same retirement system as set forth in article 13 of the Charter of the Metropolitan Government of Nashville and Davidson County or participate in the state pension system for county paid judges as provided by general law. The judges of said court shall be subject to removal from office as prescribed by law for circuit judges and chancellors. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.09. Same—Jurisdiction, authority and powers generally.

The judges of said court shall have the same authority as provided by law by circuit court judges and chancellors to grant fiats for writs of injunction, attachments and other extraordinary process. Said judges shall have the jurisdiction and authority conferred upon trial judges by chapter 21, title 40 of the Tennessee Code Annotated relative to suspension of sentences and revocation thereof. They shall have the power to remit fines and to release sentences imposed by them. Said judges are empowered to issue subpoenas to compel the attendance of witnesses and upon the failure of any witness so subpoenaed to attend, to compel his attendance by attachment. Said judges shall further be empowered to punish any person for contempt committed

in the presence of the court by imposing a fine not to exceed twenty-five dollars (\$25.00); and/or jail sentence not to exceed ten (10) days, and in default of payment of a fine so imposed, to imprison such guilty person in the metropolitan workhouse or jail until said fine is discharged. (Amended by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 20, 10-4-88)

Sec. 14.09A. Same—Presiding judge.

There is hereby created the position of presiding judge of the metropolitan general sessions court of Nashville and Davidson County, who shall be one (1) of the judges of said court. The presiding judge of the court shall be selected by a majority vote of the judges of the court. In the event of a vacancy or incapacity or inability of the presiding judge, the remaining judges of the court by majority vote, shall select another presiding judge who shall be one of the judges of said court to serve the remaining term. The presiding judge shall be responsible for the preparation and submittal of budgets of said court to the metropolitan government and its appropriate departments, committees and agencies. He shall have authority to call meetings of the other judges of the court who shall be required to attend such meetings for the purpose of discussing various problems pertaining to the conduct and operation of said court. The presiding judge shall promulgate all rules necessary for the supervision, conduct and administration of the court, including but not limited to the following: 1. Prescribing the days and hours when the courts sitting in branches, parts or divisions shall be in session, including a night court session as shall be deemed necessary; 2. assigning of civil, criminal and traffic cases to respective branches, parts and divisions of said court. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.09B. Separate dockets to be kept for civil, criminal and traffic cases.

Separate dockets shall be kept in said court for civil, criminal and traffic cases, and shall be in such form and kept in such manner as the presiding judge shall prescribe. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.10. Public defender—Qualifications; selection; term; duties.

There shall be a public defender for the metropolitan government who shall be elected by the voters at the regular August election in 1966 and who shall hold office for a term of four (4) years, commencing September 1, 1966, and until his successor shall be duly elected and qualified. The public defender shall be a person licensed to practice law in Tennessee and he shall be at the time of his election or appointment, and shall continue to be during the term of

office, a resident of the area of the metropolitan government. The public defender shall not engage in private practice of criminal law during his term, but he may conclude all matters pending when elected or appointed. A vacancy in the office of public defender shall be filled by the metropolitan council until the next general August election, when successor shall be elected by the voters to fill the unexpired term or the ensuing term as may be the case.

Upon request by the defendant, or upon order of the court, it shall be the duty of the public defender to defend, without expense, and to represent generally all persons who are determined by the court or the public defender to be without means to employ counsel and who have been indicted by the grand jury or charged with the commission of any crime. The public defender shall also, upon request, give counsel and advice to such person, in and about any charge against them upon which he is conducting the defense. The public defender shall prosecute all appeals to a higher court on behalf of any person financially unable to employ counsel who has been convicted upon such charge, where in his opinion there is error in the conviction had, and such appeal will or might reasonably be expected to, result in the reversal or modification of the judgement or conviction. The public defender shall perform such other duties as may be assigned by ordinance.

Sec. 14.11. Same—Compensation; appointment, qualifications and duties of assistants.

The public defender shall receive a salary of eight thousand dollars (\$8,000.00) per annum, payable semimonthly.

For the proper conduct of the business of his office the public defender is authorized to employ one (1) deputy or assistant at a salary not to exceed five thousand dollars (\$5,000.00) per annum, payable semimonthly, and to employ one (1) stenographer at a salary not to exceed four thousand dollars (\$4,000.00) per annum, payable semimonthly. Any person appointed assistant public defender or deputy public defender shall be licensed to practice law in Tennessee and shall be at the time of his appointment, and shall continue to be during the period of his service, a resident of the area of the metropolitan government. Any person appointed assistant or deputy public defender shall serve at the pleasure of the public defender and notice of his appointment or of the revocation of the same shall be in writing and filed with the clerk of the criminal court. Such assistant or deputy public defender may attend all criminal courts and discharge the duties imposed by law upon the public defender. The assistant or deputy public defender designated by the public defender or by the court in his absence, shall perform the duties of said office during any period when the public defender is disabled or otherwise unable to attend court. No assistant or deputy

public defender shall engage in the private practice of criminal law during the period of his service, except to conclude matters pending when he was appointed.

The council by ordinance may provide such additional assistants, investigators or other personnel as it may determine the public defender to require, and also by ordinance may enlarge or restrict the duties of the public defender as to the class of cases in which he shall act as attorney for indigent defendants.

Sec. 14.12. Designation of special judge when judge unable to hold court.

In the event that any judge of said court fails to attend, cannot preside over any pending case, or for any reason is unable to hold court, such judge may select a qualified person to hold court as provided in chapter 533 of the Public Acts of the State of Tennessee for 1968.⁵ (Amended by Res. No. 71-1222, § 1, 8-5-71)

5. See T.C.A., § 15-1114.

Sec. 14.13. Filling of vacancies in office of judge.

In the event of any vacancy in the office of the judge of the court for any cause, either by death, resignation or removal, the governor of the State of Tennessee shall be empowered to appoint some qualified person to fill such vacancy until September 1 following the next August general election, at which election said vacancy shall be filled for the remainder of such term by the qualified voters of Metropolitan Nashville, Davidson County, Tennessee. (Amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.14. Service of process.

The sheriff of the metropolitan government or his duly appointed deputy or any person appointed by a judge of the court for such purpose, shall be empowered to serve regular process, writs and papers issued by said court with the same authority and power provided for such service in the inferior courts of this state. Any person specifically appointed for such purpose under this section shall serve without compensation. (Added by Res. No. 65-671, § 1, 7-20-65; amended by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.15. Cost bond or cash deposit required in civil cases; exceptions; schedule of deposits.

Before any original process shall issue from said court in a civil case, the plaintiff shall exercise a cost bond as good security as deemed necessary by the court clerk in the sum of twenty-five dollars (\$25.00) or in lieu thereof, make a cash deposit with the court clerk of not less than three dollars (\$3.00) nor more than twenty-five dollars

(\$25.00) to cover the cost of such proceeding and, on motion, the court may increase or decrease the security so required. The presiding judge with the approval of the majority of the judges shall be authorized to establish a schedule of deposits in the various forms of action and to publish such schedule which shall be uniformly adhered to in the various parts, divisions or branches of said court. Provided, that any resident of this state who shall be eligible to take and prescribe to the oath provided for poor persons may commence and propose an action on paupers oath as provided in Tennessee Code Annotated, section 20-12-127. The provisions of this section shall not apply to suits instituted by the metropolitan government, its agencies or departments. (Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 21, 10-4-88)

Sec. 14.16. Bail in misdemeanor cases.

In all misdemeanor cases where bond is made for appearance before the court, each of the judges of said court is hereby authorized and empowered to prescribe the amount of bail, either cash or otherwise, with the same discretionary powers granted to courts of record by Tennessee Code Annotated, section 40-11-113. Upon default in appearance of the defendant, the judge before whom such default occurs is hereby authorized to grant relief, lessen or remit liability upon the recognizance, as provided for other courts in Tennessee Code Annotated, section 40-11-203 and section 40-11-204; and in case of cash bonds, said judge may hear proof and order any fine imposed and cost to be paid out of such bond. Any unused surplus of cash bond and other funds in excess of cost paid for exoneration of sureties shall be disbursed by the court clerk as provided by law for forfeitures. (Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, §§ 22, 23, 10-4-88)

Sec. 14.17. Rules and regulations for bondsmen; rules for release of persons on own recognizance bonds and deposit of driver's license.

The presiding judge, with the approval of the majority of the judges, shall prescribe and shall cause to be prescribed such reasonable rules and regulations for professional bondsmen undertaking to do business before the court as may be necessary for the orderly and expeditious conduct and operation of said court, as provided in Tennessee Code Annotated, sections 40-4-101 through 10-4-108. Said presiding judge, with the approval of the majority of the judges, shall also promulgate and publish rules for release of persons charged with violation of state law on their own recognizance bonds; and/or the deposit of driver's license in lieu of bond for persons charged with

the violation of traffic laws. (Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 24, 10-4-88)

Sec. 14.18. Persons authorized to prosecute cases before court.

The metropolitan department of law of the metropolitan government is hereby authorized to prosecute before the court, any and all cases involving violations of ordinances, regulations, resolutions and Private Acts of the metropolitan government filed in or pending before said court. The district attorney general of Davidson County, Tennessee, or his duly authorized representatives, are hereby authorized to prosecute before the court any and all violations of state law filed in or pending before said court. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.19. Court administrator.

The office of court administrator of the metropolitan general sessions court is hereby created. The court administrator of the court shall be appointed by a majority of the judges of said court and shall serve for a period of three (3) years, with a salary of fifteen thousand dollars (\$15,000.00) per year, payable in not less than monthly installments, and he shall act as liaison between the court and clerk's office of the metropolitan general sessions court. The court administrator shall perform the following duties and functions, including but not limited to:

A. Forming and submitting continually to the presiding judge of the court, recommendations for improving the efficiency and operation of the metropolitan general sessions court, including civil, criminal and traffic case procedure;

B. Investigating complaints, involving the conduct and operation of the court, taking action upon such complaints as may be necessary or appropriate under the systems, subject to approval of the presiding judge in case of a serious nature;

C. Assist the presiding judge in the preparation of budgeting and fiscal reports and documents as may be necessary and proper for the operation and maintenance of the court;

D. Approving all claims for expenditures of such funds as may be appropriated for the court, including requisitions and claims for the purchase of necessary equipment, materials and supplies so appropriated;

E. That it secure and maintain accommodations, securing supplies and materials for the judges, and other officers and employees of the court;

F. Collecting and compiling data, including cases filed, disposing of those pending, and information on expenditures and receipts of the court, and preparation of

quarterly and annual reports on these and other court activities;

G. Act as secretary of any and all matters of the court;

H. Keeping and maintaining the docketing as prescribed in section 14.09B herein, or in such form and manner as the presiding judge shall prescribe;

I. Perform such other relative duties as may be requested or assigned by the presiding judge. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.20. Clerks—How furnished; chief deputy clerks; compensation; bonds.

One (1) clerk's office shall serve the metropolitan general sessions court, and the necessary clerks for the operation of the same shall be furnished by the criminal court clerk, Davidson County, Tennessee, for the operation of the criminal court part of the metropolitan general sessions court, and the said criminal court clerk shall designate one (1) deputy clerk as chief deputy; and all necessary deputy clerks for handling the civil cases of the metropolitan general sessions court will be furnished by the circuit court clerk, Davidson County, Tennessee, who shall name one as chief deputy clerk; and the clerks now serving the three (3) divisions of the metropolitan court are hereby transferred to the clerk's office to handle the metropolitan warrants and procedures for the metropolitan general sessions court, and the chief deputy clerk, now serving said court, shall continue as chief deputy clerk, when all are transferred at their salaries now being paid. The salary of all personnel selected and serving the metropolitan general sessions court, as hereinabove provided shall be established by the clerk appointing them, subject to the approval of the presiding judge, except those clerks involved in handling the municipal warrants, whose salary shall be approved by the presiding judge in accordance with the metropolitan pay schedule plan for the metropolitan government, Nashville, Davidson County, Tennessee. The deputy clerks shall be required to give bond upon the assignment of their duties of office, which shall be in the manner and amounts set by general law. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.21. Same—Powers of deputy clerks.

The deputy clerks are hereby authorized to administer oaths, to take appearance and appeal bonds when the amount thereof has been set by a judge and to issue all process authorized by law. All process shall be issued in the name of the State of Tennessee and may be served by any law enforcement officer authorized by law for such purpose or as may be provided by this Act. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.22. Costs and fees.

In any and all matters, the costs and fees of the court shall be as follows:

A. In cases involving violation of ordinances, regulations, resolutions or private acts of the metropolitan government, such costs and fees as may be required by ordinance by the metropolitan council;

B. In civil cases, suits and actions, such cost and fees as may be required by law;

C. For violation of state law, such costs and fees as may be required by General Acts of the legislature for general sessions courts. There shall be published a schedule of set cost and fees, as the judges shall direct. The fees and other compensation of the sheriff and his deputies, game wardens and state highway patrol for the execution and service of writs and process of the court shall be the same as those required by law.

Such fees and compensation as may be due for service rendered by the court shall be paid to the respective clerks servicing said court. Said cost, fees and mileage of witness fees, commissions and emoluments of the sheriff and his deputies, game wardens, state highway patrol and other officers for service rendered to the court, and the fines and forfeits imposed by the court and all other funds coming to the court, shall be received, accounted for and disbursed by the respective clerks as provided herein. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.23. Disposition of monies and receipts.

The clerk shall deposit to his respective account, all funds and receipts accruing to the court under section 14.22 herein and any and all other monies and receipts accruing to said court. Any and all disbursements from such account shall be made upon orders of the court and as required by law or in his absence, inability or incapacity, by such person as the judges shall designate. The judges may authorize the establishment of such bank account or accounts as may be necessary for the management of funds held as judgments in civil cases. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.24. Court officers.

Each judge of the court is hereby authorized to appoint two (2) court officers who shall serve at the pleasure of said judge and whose compensation shall be the same as that paid to the officers of the criminal court and shall be paid from the general funds of the metropolitan government. It shall be the duty of said court officers to maintain order during sessions of the court, to serve process as ordered and to perform such other duties as may be prescribed by the judge. Said court officer shall, while acting in the performance of their duties, possess and exercise

police powers to the same extent as that granted members of the metropolitan police department. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.25. Probation department or division authorized.

The judges of the court are hereby authorized to create and establish a department or division of probation which shall be a division of the metropolitan government. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.26. Appeals.

An appeal from a civil judgment or judgment for any ordinance, regulation, resolution or private acts may be taken to the circuit court of Davidson County, Tennessee. Such appeal shall be taken upon bond or in lieu of bond, on the paupers oath as provided in Tennessee Code Annotated, section 20-12-127, within the time and in the manner prescribed by law for appeals from courts of general sessions to the circuit courts, and appeals from writs of certiorari from judgments of the metropolitan general sessions court shall likewise be made in accordance with law.

Appeals on behalf of the defendant from a judgment in any criminal case tried by the court may be taken to the criminal court of Davidson County, Tennessee. Such appeal shall be prayed and granted within ten (10) days from the rendition of the judgment or as otherwise provided by law, and shall not act as a stay or supersedeas of the judgment unless the defendant shall execute an appeal bond with good and solvent surety, to pay the fines and costs and other costs adjudged upon appeal. Provided, that this section shall not be construed to require the metropolitan government to make bond to perfect any appeal taken hereunder. Any such appeal shall be perfected by written notice from the director of the metropolitan department of law or any assistant thereof, addressed to the court clerk of the metropolitan general sessions court. (Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 25, 10-4-88)

Sec. 14.27. Court to take judicial notice of Charter and general and urban services districts.

In addition to any matters of which the court is authorized, empowered and required to take judicial notice by law, said court shall take judicial notice of the Charter of the metropolitan government of Nashville and Davidson County, Tennessee, and the general and urban services district of said metropolitan government as set forth in the Metropolitan Charter. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.28. Rules of court.

The laws regarding pleading and practice in civil cases, issuing of writs and process in civil cases in the courts of general session of this state at the time of the adoption of this amendment shall be applicable to and shall govern practice and procedures in the court until such time as rules and practices and procedures are promulgated as provided in section 14.09A herein. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.29. Transfer of files, dockets, funds, suits, etc., from former courts.

Upon the effective date of this Act, as provided in section 14.30 herein, any and all files, dockets, records, equipment, funds and criminal and civil cases, suits, actions and outstanding writs and process, then existing in the court of general sessions of Davidson County, Tennessee, and the metropolitan court of the metropolitan government of Nashville and Davidson County, Tennessee, shall be deemed to have been transferred to the metropolitan general sessions court of Nashville and Davidson County, Tennessee, and said court shall have jurisdiction and authority to hear and determine all undisposed cases under this section as though all such cases had originated in such court created herein. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.30. Severability of provisions.

Each of the provisions of this amendment ^{5a} is hereby declared to be severable, and if any section or sections, clauses or parts are invalid or unconstitutional, the remaining provisions of said amendment shall continue in full force and effect, it being the express legislative intent as declared herein that the amendment would have been adopted even if such invalid or unconstitutional matters had not been included therein. (Added by Res. No. 71-1222, § 1, 8-5-71)

5a. Sections 14.01 to 14.09B; 14.12 to 14.32.

Sec. 14.31. Continuation of office of public defender.

The office of public defender for the metropolitan government as it is presently constituted shall be continued with the same powers, duties, functions, privileges and provisions for personnel and compensation as is presently provided for, there being no intention in this amendment to alter in any way the office of the public defender or the rights, privileges and duties of the incumbent. (Added by Res. No. 71-1222, § 1, 8-5-71)

Sec. 14.32. Continuation of juvenile court; jurisdiction of metropolitan general sessions court limited in juvenile matters.

The juvenile court for Davidson County created by chapter 390 of the Private Acts of 1953 is hereby recognized as a court of the metropolitan government of Nashville and Davidson County. Pursuant to section 7-3-311, Tennessee Code Annotated, said court is hereby provided for and continued, with all rights, duties, powers, obligations, privileges and responsibilities as set forth in said chapter 390 of the Private Acts of 1953 and any acts amendatory thereof. The jurisdiction of the metropolitan general sessions court created by section 14.01 of this Charter shall not extend to matters over which the juvenile court shall have been given exclusive jurisdiction by said section 7-3-311, or other applicable law. (Added by Res. No. 71-1222, § 1, 8-5-71; Res. No. 88-526, § 26, 10-4-88)

ARTICLE 15. ELECTIONS AND REMOVAL OF OFFICERS

Sec. 15.01. When general metropolitan elections held; who may vote; qualifications of candidates.

For the purpose of electing a mayor, vice-mayor, five (5) councilmen-at-large and thirty-five (35) district councilmen, there shall be held on the first Thursday in April, 1966, and on the first Thursday in August of 1971, and each four (4) years thereafter, a general metropolitan election. At such general election each voter shall be entitled to vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmen-at-large, and one (1) candidate for district councilman from the district wherein the voter resides; and the names of all qualified candidates shall be so placed on the ballot or voting machine as to accord the voter such right. All persons who are lawfully registered and who are qualified to vote for members of the general assembly of the State of Tennessee shall be qualified to vote in the metropolitan elections. The name of any candidate shall be included on the ballot or the voting machines when a written petition signed by at least twenty-five (25) qualified voters shall so request and when said petition shall be filed with the county commissioners of election at least within the number of days prior to the election provided by general law for the filing of qualifying petitions of candidates for election to county offices. (Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 66-1053, § 1, 8-16-66)

Sec. 15.02. Vote required for election in metropolitan elections; runoff elections.

In the general metropolitan election those qualified persons who receive a majority of the votes cast for mayor, vice-mayor and district councilman for each of the thirty-five (35) districts shall be elected to their respective offices; and those five (5) qualified persons who receive the highest number of votes, being also a majority of the total vote cast for the office of councilmen-at-large, shall be elected to such office.

In the general election if no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilman, a runoff election shall be held with respect to such unfilled office or offices. In the runoff election only the names of the two (2) candidates who received the highest number of votes cast for such office which failed to be filled at the general election shall be placed on the official ballot or voting machine.

In the general election if less than five (5) candidates receive a majority of the total vote cast for the office of councilmen-at-large, the number receiving a majority shall be elected and a runoff election shall be held with respect to the unfilled offices. For the purpose of this section, "the total vote cast for the office of councilmen-at-large" shall be deemed to be one-fifth of the aggregate number of votes received by all candidates for the office of councilmen-at-large. In the runoff election, there shall be included on the ballot or voting machine a number of candidates which is twice the number of vacancies remaining to be filled. The candidates to be so included shall be those who in the general election received the highest vote less than a majority and the other candidates shall be eliminated. In the event of a tie vote among candidates, one (1) of whom should be in the runoff except for such tie, then all such candidates so having tie votes shall be in the runoff. In a runoff election for councilmen-at-large it shall not be necessary to receive a majority and those candidates who have the highest vote and who equal in number those remaining to be elected shall be elected.

The runoff election, if required, shall be held on the third Thursday in May, 1966, being three (3) weeks subsequent to the general election held in that year, and, thereafter, the runoff election shall be held on the second Thursday in September, being five (5) weeks subsequent to each general election held after 1995. In the case of tie between candidates for the same office, it shall be broken as provided by Tennessee Code Annotated, section 2-8-111. (Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 88-526, § 27, 10-4-88)

Editor's Note: Section 15.02 was amended at a referendum election held November 5, 1996.

Sec. 15.03. Special elections.

There shall be held a special metropolitan election to fill a vacancy for the unexpired term in the office of mayor whenever such vacancy shall exist more than nine (9) months prior to the date of the next general metropolitan election. The special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated, section 2-14-105. When a vacancy exists in the office of vice mayor, district council members or in the office of councilmembers-at-large, said office shall remain vacant until the next general election at which time such vacancy shall be filled; however, in no event shall a special election be held to fill such vacancy. If in such special election to fill a vacancy for the unexpired term of the office of mayor or in the general election at which time a vacancy in the office of vice mayor, district council member or councilmember-at-large, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections and to general elections at which time a vacancy is filled. (Amended by Res. No. 65-670, § 1, 7-6-65; Res. No. 88-526, § 28, 10-4-88)

Editor's Note: In addition to the legislation given in the history note, § 15.03 was amended in its entirety by virtue of a referendum petition approved November 8, 1994, and amended again at a referendum election held November 5, 1996.

Sec. 15.04. Applicability of general election laws.

The general election laws of the state shall be applicable to all metropolitan elections, except as otherwise provided in this article.

Sec. 15.05. Ouster of metropolitan officers.

The mayor, vice-mayor, members of the council, and every member of a metropolitan board or commission appointed for a special term shall be subject to ouster under the terms and provisions of Tennessee Code Annotated, sections 8-47-101 through 8-49-107, and within the meaning of such law metropolitan officers are hereby declared to be county and municipal officers. (Res. No. 88-526, § 29, 10-4-88)

Sec. 15.06. Recall of metropolitan officers.

The mayor, vice-mayor and members of the council and metropolitan board of public education may be removed from such office by the qualified voters of the metropolitan government or of a councilmanic or school district according as the official sought to be removed has been elected by the voters of the metropolitan government or of a councilmanic or school district at any time except during the first one hundred and eighty (180) days or the last one hundred and eighty (180) days of their terms, in the manner hereafter provided.

Editor's Note: Section 15.06 was added by referendum election held Aug. 1, 1991.

Sec. 15.07. Procedure in general.

In order to recall an official set out in Section 15.06 of this Metropolitan Charter, a petition demanding the election of a successor of the person sought to be removed and containing a statement of the reason(s) why removal is sought must be filed with the metropolitan clerk. The only purpose of such statement is to furnish information to the electors.

A recall petition for the offices of mayor, vice mayor, and councilman-at-large shall contain signatures and addresses of registered qualified voters in number equal to fifteen (15) percent of the registered qualified voters in Davidson County; a recall petition for the offices of metropolitan board of public education and district councilmember shall contain the signatures and addresses of registered qualified voters in number equal to fifteen (15) percent of the registered qualified voters of the district from which the officer was elected. The above percentages shall be computed from the total number of qualified registered voters for each office according to the latest official count of registered qualified voters made by the Davidson County Election Commission thirty (30) days prior to the date the recall petition is initially filed with the metropolitan clerk. The signatures and addresses to any recall petition need not all be appended to one sheet of paper. The verification of the signatures shall be made by the Davidson County Election Commission and certified to the metropolitan clerk.

A. notice of the intention to obtain signatures for a recall petition, together with the form of the recall petition, must be filed with the metropolitan clerk prior to obtaining signatures of registered qualified voters. Such recall petition containing the required number of registered qualified voters must be filed with the metropolitan clerk not later than thirty (30) days following the date the notice is properly filed.

Editor's Note: Section 15.07 was added by referendum election held Aug. 1, 1991. The third paragraph was added to § 15.07 by referendum election held November 5, 1996.

Sec. 15.08. Holding the recall election.

If the petition contains the requisite number of proper signatures, the metropolitan clerk shall immediately certify to the Davidson County Election Commission a copy of same and it shall thereupon be the duty of the Davidson County Election Commission to give notice and make all arrangements for the holding of such recall election, and the same shall be conducted, returned, and the results thereof declared, as provided by law in the case of a general election for the office held by the incumbent to which the petition relates. The Davidson County Election Commission shall hold the recall election within the time limits set in Tennessee Code Annotated, Section 2-3-204 for holding elections on questions.

Any person sought to be removed may be a candidate to succeed himself; and unless he in writing or otherwise requests, it shall be the duty of the Davidson County Election Commission to place his name on the official ballot without nomination or petition by anyone.

Editor's Note: Section 15.08 was added by referendum election held Aug. 1, 1991.

Sec. 15.09. Recall election results—Votes required for election—Runoff election.

In any such recall election, the candidate receiving a majority of the votes cast for the office involved shall be declared elected and shall hold the office during the unexpired term of the incumbent. If at such recall election, some person other than the incumbent receives a majority of the votes cast, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor so elected.

If at such recall election no person receives a majority of the votes cast for the office involved, there shall be a runoff election and it shall thereupon be the duty of the Davidson County Election Commission to give notice and make all arrangements for the holding of such runoff election, and the same shall be conducted, returned, and the results thereof declared, as provided by law in the case of a general election for the office held by the incumbent to which the petition relates.

In the runoff election, only the names of the two (2) candidates who received the highest number of votes cast for the office involved shall be placed on the official ballot. The runoff election, if required, shall be held by the Davidson County Election commission not less than thirty

(30) days nor more than forty-five (45) days after it is determined that a runoff election is required.

Editor's Note: Section 15.08 was added by referendum election held Aug. 1, 1991.

Sec. 15.10. Failure to qualify—Tie vote.

In case the person who receives a majority of the votes cast for the office involved shall fail to qualify within ten (10) days after receiving notice of election, the office shall be deemed vacant and filled as provided by law for the filling of a vacancy in said office; but if the incumbent receives a majority of the votes cast in such election, he shall continue in office.

In case of a tie vote between the candidates in such runoff election, it shall be broken as provided by Tennessee Code Annotated, Section 2-8-111.

Editor's Note: Section 15.10 was added by referendum election held Aug. 1, 1991.

**ARTICLE 16. FUNCTIONS OF
CONSTITUTIONAL AND COUNTY OFFICERS***

* **Annotation**—Constable is a constitutional officer, and office was therefore not abolished by adoption of Metropolitan Charter. *Glasgow v. Fox*, 214 Tenn. 656, 383 S.W. 2d 9 (1964).

Sec. 16.01. County judge.

Nothing in this Charter is intended or shall be construed to alter or affect the judicial powers and functions of the county judge and the same shall continue as provided by general law or private act. The compensation of the county judge shall be as provided by general law with respect to chancellors; provided, that this section shall not alter or diminish the compensation of the incumbent county judge prior to the expiration of his present term of office in 1966. The county judge is hereby recognized as an officer of the metropolitan government in the exercise of his judicial functions, having the same relationship to such metropolitan government in the performance of such judicial functions as he previously had to the County of Davidson.

Sec. 16.02. County court clerk.

Nothing in this Charter is intended or shall be construed to alter or affect the powers, duties and responsibilities of the county court clerk as a collector of state revenues or as the clerk of the probate court. All fees, commissions, emoluments and perquisites of the office of county court clerk shall accrue to the metropolitan government as has been provided in section 8.118 of this Charter.

Annotation—Merchants' ad valorem tax is a local tax, and assignment by this Charter of duties of assessment and collection of such tax does not abridge duties of county clerk as collector of state revenues. *Winter v. Allen*, 212 Tenn. 84, 367 S.W. 2d 785 (1963).

Sec. 16.03. Duties of metropolitan government to certain state and county officers recognized.

Nothing in this Charter is intended or shall be construed to affect the powers, duties or compensation of the district attorney, circuit court clerk, criminal court clerk, clerk and master of the chancery court or county register, except as set forth in this section. The metropolitan government and its council shall have the same relationship, including powers, duties and responsibilities, to said officers and their assistants and office personnel as the County of Davidson and its quarterly county court had prior to the effective date of this Charter. It being recognized that this Charter as to metropolitan courts may operate to reduce the fees of the office of criminal court clerk, the metropolitan council is hereby authorized and directed to appropriate for the maintenance of such office such sum of money as may be necessary in addition to statutory fees for the proper operation of said office and for the maintenance of his salary at the present (maximum) level. Whenever by general law or private act the County of Davidson has been authorized or required to appropriate money, to contribute toward the compensation of expenses of said officers or their offices, or to perform other duties with respect thereto, the metropolitan government shall be vested with the same authority and obligation. Said officers and their official personnel shall also have the same relationship, including powers, duties and responsibilities with respect to the metropolitan government as they previously had to the County of Davidson or the City of Nashville. All fees, commissions, emoluments and perquisites of any or said offices shall accrue to the metropolitan government as the same formerly accrued to the County of Davidson.

The metropolitan government shall also have the same obligations and duties as the County of Davidson formerly had with respect to compensation or expenses of court officers, bailiffs, secretaries and all other persons, and such duties may hereafter be changed by amendment or repeal of the respective private acts creating such duties when the amendatory or repealing act has been approved by the electorate or the council, as provided by the Constitution of Tennessee.

Sec. 16.04. Reserved.

Editor's note—Section 16.04, relating to the composition, powers and functions of the quarterly county court, was repealed at an election held Aug. 4, 1983.

Sec. 16.05. Sheriff.

The sheriff, elected as provided by the Constitution of Tennessee, is hereby recognized as an officer of the metropolitan government. He shall have such duties as are prescribed by Tennessee Code Annotated, section 8-8-201, or by other provisions of general law; except, that within the area of the metropolitan government the sheriff shall not be the principal conservator of peace. The function as principal conservator of peace is hereby transferred and assigned to the metropolitan chief of police, provided for by article 8, chapter 2 of this Charter. The sheriff shall have custody and control of the metropolitan jail and of the metropolitan workhouse to which persons are sentenced for violation of state law, but the urban jail and workhouse in which persons are confined for violations of ordinances of the metropolitan government, or while awaiting trial for such violation, shall be under the custody and control of the metropolitan chief of police. By ordinance the urban jail may be consolidated with the metropolitan jail and the urban workhouse may be consolidated with the metropolitan workhouse. After either or both such consolidations, the jail and the workhouse shall be under the custody and control of the sheriff.

All fees, commissions, emoluments and perquisites of the office of sheriff shall accrue to the metropolitan government as the same formerly accrued to the County of Davidson. (Res. No. 88-526, § 30, 10-4-88)

ARTICLE 17. PUBLIC UTILITY FRANCHISES

Sec. 17.01. Irrevocable franchises granted only by ordinance.

All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the council, nor until full public hearing has been held thereon.

Sec. 17.02. Granting ordinances to be ratified at election.

No such ordinance shall become effective until it has been submitted to the electors of the metropolitan government and has been approved by three-fifths of the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of such franchise, and it shall not be

submitted to a special election unless the expense of holding the election, as determined by the council, shall have been paid to the metropolitan treasurer by the grantee.

In any election held under the provisions of this article, wherein is submitted any franchise ordinance for ratification by the voters, it shall not be necessary to print the entire ordinance on the ballot. It shall only be necessary to submit the question of ratification of such ordinance, together with a brief statement of the purpose or purposes of the same, and the date of its enactment by the mayor and council. The ordinance itself may provide for the form of its submission on the ballot.

Sec. 17.03. Restrictions on all future public utility franchises and reserved powers of metropolitan government.

No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No such franchise shall be transferable, directly or indirectly, except with the approval of the council expressed by ordinance.

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the metropolitan government:

1. To repeal the same for misuse or nonuse, or for failure to comply therewith.
2. To require proper and adequate extension of plant and service and the maintenance thereof, at the highest practicable standard of efficiency.
3. To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.
4. To make independent audit and examination of accounts at any time, and to require reports annually.
5. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise, throughout the entire period thereof.
6. To impose such other regulations as may be determined by the council to be conducive to the safety, welfare and accommodation of the public.

Sec. 17.04. General requirements.

All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by state agency, at the election of the metropolitan government. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

Every public utility may be required by the metropolitan government to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the metropolitan government, by other public utilities, in so far as such joint use may be reasonably practicable, and in accordance with the provisions of the National Electrical Safety Code upon payment of reasonable rental therefor; provided, that in the absence of agreement, upon application by any public utility, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

The right to use, control and regulate use of its streets, alleys, bridges and public places, and spaces above and beneath them, is hereby reserved to the metropolitan government, and every public utility franchise shall be subject thereto. Every public utility shall indemnify the metropolitan government against and pay for such damage as it causes to streets, alleys, bridges and other public places by reason of excavations, cutting of pavements, construction work and the like, provided this obligation shall not obligate the public utility to pay for damages resulting from usual wear and tear or its ordinary use of such public places.

Sec. 17.05. Acquiring property of public utility by condemnation.

The metropolitan government shall have power to acquire by condemnation or otherwise the property of any public utility. This power shall be exercised in accordance with the general laws of the state pertaining to such acquisition by cities and may be exercised only after having been approved by three-fifths of the electors voting thereon under the procedure required by section 17.02 hereof in the case of franchises. The cost of such election shall be borne by the metropolitan government.

Sec. 17.06. Recognition of franchises granted by county or city.

This Charter and this article shall not affect valid franchises heretofore granted or transfers thereof heretofore approved by the County of Davidson or the City of Nashville, but the same shall continue in force and effect in accordance with their valid provisions, terms and conditions.

Sec. 17.07. Regulation of street railway companies.

The entire and complete supervision, regulation, jurisdiction and control over street railway companies operating within the territory embraced in the metropolitan government and the environs thereof shall be vested solely in

and exercised solely by Nashville Transit Authority as created and established under the terms and provisions of chapter 487, Private Acts of 1953, as amended by chapter 307, Private Acts of 1955, and chapter 165, Private Acts of 1957, and as set forth in Appendix Four hereto to which reference is made. Neither the mayor nor the council nor any other officer or agency of the metropolitan government shall have or exercise any authority whatsoever over such street railway companies, or over Nashville Transit Authority except as expressly provided in said Appendix Four.

No franchise to operate a street railway company on the streets and highways of the metropolitan government shall be granted except upon referendum as hereinabove set forth and nothing in said Appendix Four shall be construed as depriving the citizens of the metropolitan government of the right to grant franchises by referendum through the procedure herein established.

Sec. 17.08. Limited scope of article.

Nothing in this article shall empower any agency of the metropolitan government to regulate rates, charges and services of any public utility whose rates, charges and services are regulated by the Tennessee Public Service Commission.

ARTICLE 18. MISCELLANEOUS PROVISIONS

Sec. 18.01. Metropolitan clerk.

There is hereby created and established the office of metropolitan clerk, which shall be charged with the recording and safekeeping of minutes, resolutions and ordinances of the metropolitan council and of all other documents relating to official actions of the metropolitan government. The metropolitan clerk shall also perform such other duties as may be imposed upon him by this Charter or by ordinance. The metropolitan clerk shall act under the supervision and control of the mayor and council.

Any vacancy in the office of metropolitan clerk shall be filled by the appointment of the mayor, subject to the confirmation by the metropolitan council, pursuant to the civil service provisions of this Charter. Such clerk shall have been a resident of the area of the metropolitan government for at least five (5) years preceding the clerk's appointment. The clerk's office shall be a civil service office and compensation shall be fixed in the metropolitan pay plan provided for by article 12. The clerk shall have such clerical help as may be provided by ordinance.

Editor's note—An amendment to the second paragraph of this section, requiring council confirmation of the appointment of the clerk by the mayor, was approved at an election held Aug. 4, 1983.

Sec. 18.02. Enactment, revisions, modification or changes of zoning regulations.

Zoning regulations shall be enacted by the council only on the basis of a comprehensive plan prepared by the metropolitan planning commission in accordance with the applicable state laws and as provided in section 3.05 of this Charter.

Any revision, modification or change in the zoning regulations of the metropolitan government as provided in this section shall be made only by ordinance. Where a proposed ordinance revises, modifies, or changes the zoning regulations and is not accompanied at introduction by a favorable recommendation of the metropolitan planning commission, a copy thereof shall be promptly furnished by the metropolitan clerk to said planning commission, and the same shall not be passed on second reading until the recommendation of said planning commission with respect to the proposal has been received or thirty (30) days have elapsed without such recommendation. No ordinance making any revision, modification or change in the zoning regulations which has been disapproved by the metropolitan planning commission shall be finally passed or become effective unless it shall be adopted by a two-thirds majority of the whole membership of the council and also then be approved by the metropolitan mayor, with a three-fourths majority of the whole membership of the council required to override a veto.

Sec. 18.03. Board of zoning appeals.

A. metropolitan board of zoning appeals may be established as provided by state law and ordinance enacted by the council in accordance with the provisions of this Charter. No member of said board of zoning appeals shall hold any public office or position nor shall any member receive any financial compensation for serving on said board.

Sec. 18.04. Nashville Housing Authority.

The Nashville Housing Authority, created pursuant to section 13-20-401 to section 13-20-418, inclusive, of Tennessee Code Annotated, is hereby recognized as existing and functioning within the area of the metropolitan government and as having the same relationship to the metropolitan government as said Nashville Housing Authority previously had to the City of Nashville. Said housing authority is hereby declared to be a city housing authority as provided for by Tennessee Code Annotated, sections 13-20-401 to 13-20-418, inclusive, and also as a county housing authority as provided for by Tennessee Code Annotated sections 13-20-501 to 13-20-511, inclusive. The metropolitan mayor shall be deemed a mayor for the purposes

of said city housing authorities act as therein referred to. He shall have authority to designate and appoint, subject to confirmation by the council, members of the board of commissioners of The Nashville Housing Authority of the metropolitan government as their terms expire or as their offices otherwise become vacant. (Res. No. 88-526, §§ 31-33, 10-4-88)

Sec. 18.05. Change in salary of metropolitan officers.

The salary or compensation of the public defender and of administrative and professional officers or employees, including the mayor, councilmen and other elected officials whose salary or compensation is fixed by this Charter, may be changed by the metropolitan council and established as part of the general pay plan as provided for by section 12.10 of this Charter. Provided, however, that the salaries of elected officials shall not be increased or diminished during the period for which they shall have been elected. (Amended by Res. No. 66-1053, § 1, 8-16-66; Substitute Res. No. 78-1051, 9-19-78)

Sec. 18.06. Redistricting of councilmanic districts.

Redistricting of the councilmanic districts set forth in Appendix Two of this Charter may be accomplished in the following manner:

Within six (6) months after the decennial census of 1970 and each one thereafter is published by the United States Census Bureau showing the population in the area of the metropolitan government, it shall be the duty of the planning commission to recommend to the council whether redistricting of the councilmanic districts is necessary to prevent substantial underrepresentation of particular areas as the result of population changes. If the planning commission shall recommend that redistricting is necessary, it shall also submit a proposed ordinance designed to accomplish its recommendation. Such ordinance shall also revise the school districts to the extent, if any, that may be deemed necessary. The council shall not amend, but may adopt without change such proposed ordinance. Upon approval thereof by the mayor, or passage over his veto, redistricting shall be accomplished and district councilmen shall be elected accordingly at the next general metropolitan election.

The council may reject the proposed ordinance for redistricting, in which event, by resolution under article 19 of this Charter, it shall submit to the people for approval at a special referendum election to be held within ninety (90) days an amendment to this Charter making effective the redistricting as recommended by the planning commission. At such referendum election the council may submit to the

people its own plan for redistricting as an alternative to the proposal of the planning commission also submitted.

At the expiration of ninety (90) days subsequent to the receipt by the council of an ordinance of redistricting, as hereinabove provided, if such ordinance shall not have become effective and if the council shall have failed to submit the same to a special referendum election, then the members of the council shall not receive any further salaries until they take one action or the other.

Sec. 18.07. Titles and subtitles not part of Charter.

It is hereby expressly declared and recognized that the titles and subtitles appearing before the articles, chapters and sections of this Charter are not part hereof and are not intended to determine or to restrict the meaning of its provisions. No substantive provision of this Charter shall be construed to be unintended or ineffective because the same has not been suggested or indicated by a title or subtitle. Titles and subtitles have been placed in this Charter merely for the convenience of those who examine or index its provisions.

Sec. 18.08. Regulation and sale of alcoholic beverages not affected by Charter.

The creation and establishment of the Metropolitan Government of Nashville and Davidson County shall not alter the status of said county as to the legality of the manufacture, receipt, sale, storage, transportation, distribution and possession of alcoholic beverages. The local option election heretofore held in said county pursuant to Tennessee Code Annotated, sections 57-3-106 and 57-3-107 shall continue to control until the status shall be subsequently altered by a local option election held pursuant to law. The urban services district, but not the general services district, shall be deemed a municipality within the meaning of section 57-3-106.

The council shall have power and authority (a) for the general services district to regulate and tax the manufacture, distribution and sale of beer and other alcoholic beverages of less than five (5) percent to the same extent that governing bodies of counties now possess, or may hereafter possess, such power and authority, and (b) for the urban services district to regulate and tax the manufacture, distribution and sale of beer and other alcoholic beverages of less than five (5) percent and also the manufacture, receipt, sale, storage, transportation, distribution and possession of other alcoholic beverages to the same extent that governing bodies of cities now possess or may hereafter possess such power and authority. (Res. No. 88-526, §§ 34, 35, 10-4-88)

Sec. 18.09. Federal, state and other aid.

The Metropolitan Government of Nashville and Davidson County shall be deemed a county and shall also be deemed an incorporated city or municipality for the purpose of determining its right to receive, and for the purpose of receiving, state aid or grant-in-aid from the State of Tennessee or from the United States or from any other agency. Said metropolitan government shall be entitled to receive as state aid or as grant-in-aid from the State of Tennessee or from the United States or from any other agency, public or private, all funds to which a county is, or may hereafter be, entitled and also all funds to which an incorporated city or municipality is or may be hereafter entitled and to receive the same without diminution or loss by reason of consolidation. When state aid or other grant-in-aid is distributed to any county on the basis of population or area, or both, then the entire population and the total area of the county in which such metropolitan government is established shall be considered in calculating and determining the basis for such distribution. When state aid or other grant-in-aid is distributed to any county on the basis of rural area, rural road mileage or rural population, or any combination thereof, then that area of the general services district outside of the urban services district shall be deemed to constitute rural area, its road mileage to constitute rural road mileage and its population to constitute rural population. When state aid or other grant-in-aid is distributed to any incorporated city or municipality on the basis of population or area, or both, then the population and the area of the urban services district shall be deemed the population and the area of the metropolitan government in calculating and determining the basis of such distribution.

Sec. 18.10. Metropolitan agencies authorized to compel attendance of witnesses and production of documents.

The council, the civil service commission, the board of education and every other officer and agency of the metropolitan government authorized to conduct investigations or to hold hearings shall have power to compel the attendance of witnesses and the production of books, papers and records pertinent to the investigation or hearing, and to administer oaths to witnesses. If any person fails or refuses to obey a reasonable order for attendance or reasonable order for the production of books and papers, the council, board or other agency is authorized to apply to the chancery court for an order requiring that the order of the council, board or other agency be obeyed.

Sec. 18.11. Authorization to council with respect to certain special appropriations.

The council is hereby authorized to include in the annual operating budget for the general services district the following:

(a) A sum not in excess of twelve thousand five hundred dollars (\$12,500.00) for any year for the use of Nashville Humane Association.

(b) A sum not in excess of twenty-five thousand dollars (\$25,000.00) for any year for the use of Nashville Children's Museum, of Nashville, Tennessee.

(c) The sum necessary for the purpose of paying dues or assessments of the metropolitan government for the cost of operating the following organizations and similar non-profit organizations: The Tennessee Municipal League, Tennessee County Services Association, the National Institute of Municipal Law Officers and the Southern Building Code Congress.

(d) A sum not in excess of fifteen thousand dollars (\$15,000.00) for any year for the use of the Nashville Symphony Association of Nashville, Tennessee.

Sec. 18.12. No appropriation authorized from budget of general services district to finance certain deficits.

Where any appropriation is made from time to time to finance any deficit in the pension or retirement funds of the former City of Nashville, the same shall be made solely from the budget of the urban services district.

Sec. 18.13. Councilmen disqualified for membership on certain boards and commissions.

Except as otherwise expressly provided in this Charter, no member of the council shall be eligible during the term of office for which he was elected to serve on any metropolitan board or commission created by this Charter.

Sec. 18.14. Fidelity bonds.

Before entering upon the duties of their respective offices or positions, the director of finance, the metropolitan treasurer, the collections officer, the chief accountant, the director of personnel, the purchasing agent and such other officers and employees of the metropolitan government as shall be required by council resolution upon the recommendation of the mayor, shall execute corporate surety bonds and file said bonds with the metropolitan clerk. The sum of the individual bonds shall be fixed by the council resolution, but the amount of the bond shall not in any case be less than one thousand dollars (\$1,000.00). The bond premiums shall be paid from the general fund of the general services district. All such bonds and sureties thereon

shall be approved by the department of law before being accepted by the metropolitan clerk.

Sec. 18.15. Status of smaller cities and voluntary surrender of their charters; creation of suburban utility districts.

Any city in Davidson County not abolished by this Charter shall continue to exist and to function the same as prior to adoption of this Charter; except, that no such city shall extend its boundaries by annexation of any area of the metropolitan government. Any such smaller city may contract with the metropolitan government for the administration and handling of any of its governmental functions by the metropolitan government; and such smaller city may surrender its Municipal Charter at any time pursuant to Tennessee Code Annotated, section 7-1-106, with the approval of a majority of those voting in the smaller city at an election with respect to such matter. After surrender of Charter, the status of the smaller city in the metropolitan government shall be that prescribed in a resolution adopted by the council prior to such surrender, or otherwise the status shall be that of other areas outside the urban services district at the time of dissolution.

It shall be the obligation of the metropolitan government to furnish smaller cities with governmental services so that such cities will be furnished with governmental services to no lesser extent than other areas outside the urban services district. In furnishing said services, the metropolitan government may take into consideration the governmental services available to the smaller city by the use of state aid and other distributable moneys not derived from local taxation by the smaller city; and in this respect the metropolitan government may contract with the smaller city as to the handling, use and expenditure of such moneys.

After the adoption of this Charter by vote of the people, no city shall be created in the area of the metropolitan government, and there shall exist in such area as municipalities only the urban services district and smaller cities existing prior to the adoption of this Charter.

Nothing in this Charter shall be deemed to prevent the creation of utility districts as provided for by Tennessee Code Annotated, section 7-82-101, et seq., with the county judge to perform the function ascribed to such officer by said statute. (Res. No. 88-526, §§ 36, 37, 10-4-88)

Sec. 18.16. County executive committees for political parties.

For the purpose of selecting members of a county executive committee for a political party, as prescribed by any valid Private Act heretofore enacted affecting Davidson County, the thirty-five (35) councilmanic districts cre-

ated and established by section 3.01 of this Charter shall be deemed to be the city wards and also the county districts from which district representatives on a county political executive committee shall be selected. The total of seventy (70) representatives shall consist of one (1) man and one (1) woman from each of the thirty-five (35) districts. Nothing in this section shall terminate or abridge the terms of office of members now serving on any county political executive committee, and except as expressly modified by this section, any Private Act with respect to this subject matter is continued in force and effect.

Sec. 18.17. Authority to deal with state and federal agencies as to specific governmental services.

The mayor and council of the metropolitan government shall have the power and authority to participate in, cooperate in and take all necessary action with respect to any and all projects, programs and undertakings of any nature whatsoever authorized by any statute, rule or regulation of the United States or the State of Tennessee, or any federal or state agency or instrumentality, including, but not limited to, urban renewal, highways, aviation, aviation terminals, airports, airport facilities, river development or river terminals, municipal area or regional development, schools, colleges or any other area of education, sewers and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof, to exercise with respect thereto all the powers conferred by section 7-36-102 of Tennessee Code Annotated and any other state or federal statute, to borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or a combination thereof, for any such purposes, and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the metropolitan government is the legal, or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency. (Res. No. 88-526, § 38, 10-4-88)

ARTICLE 19. AMENDING CHARTER

Sec. 19.01. Amending Charter by resolution of council or petition and popular vote.

This Charter may be amended subsequent to its adoption in the following manner:

An amendment or amendments may be proposed (1) by the adoption of a resolution by the council favoring the same and submitting it or them to the people for approval. The affirmative vote for adoption of such resolution in the council shall be not less than two-thirds of the membership to which the council is entitled, and such resolution when

adopted need not be submitted to the mayor for his approval; or (2) upon petition filed with the metropolitan clerk, signed by ten (10) per cent of the number of the registered voters of Nashville-Davidson County voting in the preceding general election, the verification of the signatures to be made by the Davidson County Election Commission and certified to the metropolitan clerk. Such resolution or petition shall also prescribe a date not less than eighty (80) [days] subsequent to the date of its filing for the holding of a referendum election at which the electorate of the metropolitan government will vote to ratify or to reject the amendments proposed.

The metropolitan clerk shall immediately certify to the county commissioners of election copy of such resolution or petition and it shall thereupon be the duty of said commissioners of election to hold a referendum election with respect thereto. The ballot shall be prepared so as to set forth a brief description of the amendment worded so as to convey the meaning of said amendment, said description to be set forth in the original amendatory resolution, that the language of each amendment in full be posted conspicuously in the voting place and be published in a local newspaper, numbered as the same is numbered in the resolution of the council or in the petition, and to provide the voters a choice to vote "For Ratification" and "Against Ratification" of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the special referendum election shall be in favor of ratification and each proposed amendment shall be rejected when a majority of said votes shall be against ratification. Notice of said referendum election shall be given as provided by Tennessee Code Annotated, section 2-1808, and the costs of said election shall be paid out of the general funds of the metropolitan government.

The commissioners of election shall canvass the returns and certify the results to the secretary of state, who shall issue a proclamation showing the results of said election on the ratification or rejection of each proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of this Charter previously certified to said secretary of state and one copy shall be delivered to the metropolitan clerk who shall attach the same to the copy of the Charter in his custody.

The council shall not adopt a resolution proposing amendments to this Charter more often than twice during the term of office of members of said council, nor shall any such amendment or amendments be submitted by petition more often than once in each two years.

The council shall not adopt, except pursuant to section 18.06 of this Charter, a resolution which proposes an amendment that redistricts the councilmanic districts

unless the same be incidental to a proposed change in the number of such districts. (Res. No. 72-380, § 1, 11-7-72)

Editor's Note—An amendment to § 19.01 was approved at an election held March 8, 1988.

Sec. 19.02. Otherwise amending this Charter.

This Charter may also be amended in such other manner as may hereafter be provided by general law for amending the Charter of metropolitan governments.

Sec. 19.03. Charter revision commission authorized.

The council is authorized by ordinance to establish a charter revision commission to hold hearings and to make recommendations to the council with respect to amendments to the charter.

ARTICLE 20. TRANSITION AND EFFECTIVE DATE

Sec. 20.01. Certain ordinances and resolutions continued.

All city ordinances, resolutions and by-laws in force in the former City of Nashville, the Charter of which is repealed and abolished by this Charter, shall continue in force and effect, when not inconsistent with the provisions of this Charter, and shall have the legal effect of ordinances of the metropolitan government operative within the urban services district until repealed, modified or amended by subsequent action of the metropolitan government. All resolutions of the quarterly county court of Davidson County and regulations pertaining to said county established by Private Act, when not inconsistent with the provisions of this Charter, shall continue in force and effect and shall have the legal effect of ordinances of the metropolitan government until repealed, modified or amended by subsequent action of the metropolitan government.

Sec. 20.02. Zoning regulations continued.

The creation and establishment of the Metropolitan Government of Nashville and Davidson County shall not alter or change the zoning regulations effective in Davidson County or the City of Nashville at the time this Charter becomes effective, but the same shall continue in force and effect until amended by the council on the basis of recommendations by the metropolitan planning commission or until revised, modified or changed by the council on the basis of a comprehensive plan prepared by the metropolitan planning commission in accordance with the applicable state laws and as provided by this Charter.

From the date of adoption of this Charter¹ to the effective date as defined in section 20.21 hereof,² no change in zoning by action of the City Council of Nashville or of the Quarterly County Court of Davidson County shall affect or alter the zoning to become effective with this Charter, unless such change shall have been recommended by the planning commission or the same shall have received the affirmative vote of three-fourths of said city council or said quarterly county court.

The board of zoning appeals of the City of Nashville and the board of zoning appeals of Davidson County shall continue as constituted and organized at the time of the effective date of this Charter, with their respective powers and duties as provided in the zoning regulations of the City of Nashville and Davidson County as identified in this section. The functioning of said boards of zoning appeals shall be terminated only at such time as the zoning regulations for the metropolitan government area are enacted by the council as provided in section 18.02 of this Charter or at such time as a metropolitan board of zoning appeals may be established pursuant to section 18.03 of this Charter.

1. June 28, 1962.

2. April 1, 1963.

Sec. 20.03. Property rights, contracts, obligations, causes of action and legal proceedings continued.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Nashville or the County of Davidson or in any officer or employee thereof in his official capacity, at the time this Charter becomes effective,³ as well as all liabilities in contract or tort and causes of action involving the same in so far as they affect the City of Nashville or the County of Davidson or any officer or employee thereof in his official capacity which shall be outstanding at the time this Charter becomes effective, shall continue without abatement or modification by reason of any provision of this Charter.

3. April 1, 1963.

Sec. 20.04. Proceedings before county and city agencies continued.

All petitions, hearings and other proceedings pending before any agency of the City of Nashville or of the County of Davidson shall continue and remain in full force and effect, notwithstanding that such agency may have been abolished or consolidated by this Charter; and the petition, hearing or proceeding may be completed by the

agency of the metropolitan government which succeeds to the rights, powers, duties and obligations of such abolished or consolidated agency. The word "agency," as used herein and in sections 20.05, 20.06 and 20.07 of this article, is hereby defined to mean and to include officer, office, department, board or commission.

Sec. 20.05. Rules and regulations continued.

All orders, rules and regulations made by any agency of the City of Nashville or of Davidson County, which is abolished or consolidated by this Charter, shall remain in full force and effect until revoked or modified by the agency which succeeds to the rights, powers, duties and obligations of such abolished or consolidated agency.

Sec. 20.06. Employees and their civil service status continued.

Where an existing agency of the City of Nashville or of Davidson County is abolished or consolidated by this Charter, all employees thereof shall continue, as temporary appointees of the agency to which the rights, powers, duties and obligations of such abolished or consolidated agency are transferred, to perform their usual duties upon the same terms and conditions as theretofore until removed, appointed to positions in accordance with this Charter, or transferred to other agencies of the metropolitan government. Where the rights, powers, duties and obligations of any such agency are divided between two or more agencies of the metropolitan government, each of them shall receive such of the employees as have been regularly occupied in connection with the functions thereof which are by this Charter transferred to such agency. Every employee to whom this section applies shall be placed temporarily in one of the agencies of the metropolitan government.

All questions and problems arising under this section shall be determined by the mayor; provided, nothing in his determination nor in this Charter shall impair or diminish the rights and privileges of employees of the city or of the county under civil service on the date this Charter shall be adopted.⁴

* 4. June 28, 1962.

Sec. 20.07. Transfer of records and equipment.

When an agency of the City of Nashville or of Davidson County is abolished or consolidated by this Charter, all books, papers, maps, charts, plans, records, other equipment and personal property in the possession of the same shall be delivered to the agency to which its rights, powers, duties and obligations are transferred. In case of controversy between two (2) or more agencies as to right, such

books, papers, other documents, equipment and personal property shall be transferred to such agency as the mayor may direct.

Sec. 20.08. Certain metropolitan officers appointed.

(a) *Metropolitan Clerk.* The person holding the position of city clerk of the former City of Nashville, and having civil service status as such, is hereby appointed and designated as metropolitan clerk provided for by section 18.01 of this Charter, and the certified copy of this Charter and proclamation deposited with the county clerk pursuant to Tennessee Code Annotated, section 7-2-106, delivered to said metropolitan clerk on the effective date of this Charter,⁵ to be kept by him as a part of the permanent records of his office.

5. April 1, 1963.

(b) *Metropolitan Treasurer.* The person holding the position of city treasurer of the City of Nashville on the effective date of this Charter,⁶ and having civil service status as such, is hereby appointed and designated as the first metropolitan treasurer.

6. April 1, 1963.

(c) *Chief Medical Director.* The person holding the office of county health officer of Davidson County on the effective date of this Charter⁷ is hereby appointed and designated as the first chief medical director of the metropolitan board of health. Any contract of employment entered into between such county health officer and the county board of health of Davidson County prior to the effective date of this Charter for a term of employment as county health officer extending beyond such effective date shall be accepted by the metropolitan board of health and shall have the effect of the employment of the chief medical director, as such, for the unexpired portion of such contract term.

7. April 1, 1963.

(d) *Director of Department of Water and Sewerage Services.* The person holding the position of director of waterworks department of the City of Nashville on the effective date of this Charter,⁸ and having civil service status as such, is hereby appointed and designated as the first director of the department of water and sewerage service.

8. April 1, 1963.

(e) *Public Defender.* The person elected as public defender for Davidson County at the August election 1962 is hereby appointed and designated as the first public defender for the metropolitan government.

(f) *Director of Department of Police.* The person holding the position of chief of the police department of the City of Nashville on the effective date of this Charter,⁹ and having civil service status as such, is hereby appointed and designated as the first director of the department of metropolitan police.

9. April 1, 1963.

(g) *Director of Department of Fire.* The person holding the position of chief of the fire department of the City of Nashville on the effective date of this Charter,¹ and having civil service status as such, is hereby appointed and designated as the first director of the department of fire.

1. April 1, 1963.

(h) *Budget Officer, Division of Budgets.* The person holding the office of director of accounts and budgets of Davidson County on the effective date of this Charter² is hereby appointed and designated as the first budget officer of the division of budgets.

2. April 1, 1963.

(i) *Chief Accountant, Division of Accounts.* The person holding the office of chief accountant of the City of Nashville on the effective date of this Charter,³ and having civil service status as such is hereby appointed and designated as the first chief accountant of the division of accounts.

3. April 1, 1963.

(j) *Metropolitan Judges.* The judge of the city court and the judge of the traffic court of the former City of Nashville are hereby designated and appointed respectively as the judge of division I and as the judge of division II of the metropolitan court, to serve until their successors are elected at the regular August election in 1964 for the remainder of the judicial term.

(k) *Clerk, Deputy Clerk and Court Officers of Metropolitan Court.* The person holding the position of clerk of the city court in the former City of Nashville on the effective date of this Charter,⁴ and having civil service status as such, is hereby appointed and designated as the first clerk of the metropolitan court. The person holding the position

of clerk of the traffic court of the former City of Nashville on the effective date of this Charter, and having civil service status as such is hereby appointed and designated as a deputy clerk to the judge of division II of the metropolitan court.

The members of the police department of the former City of Nashville serving as court officers to the judges of the city court and traffic court of the former City of Nashville on the effective date of this Charter⁵ shall retain their positions and status as court officers of the metropolitan court, and if they cease to serve as such court officers, they shall be returned to the metropolitan police department as classified employees thereof.

4. April 1, 1963.

5. April 1, 1963.

(l) *Director of Welfare*. The person holding the position of director of welfare for Davidson County on the effective date of this Charter⁶ is hereby appointed and designated as the first director of welfare under the jurisdiction and authority of the metropolitan welfare commission created and provided for by Article 11, chapter 11 of this Charter.

6. April 1, 1963.

(m) *Collections Officer*. The person holding the position of city comptroller of the City of Nashville on the effective date of this Charter⁷ and having civil service status as such, is hereby appointed and designated as the first collections officer created and provided for by section 8.107 of this Charter. (Res. No. 88-526, § 9, 10-4-88)

7. April 1, 1963.

Sec. 20.09. Director and assistant director of department of public works.

The person holding the position of director of the department of public works of the City of Nashville on the effective date of this Charter⁸ is hereby appointed and designated as the first director of said department created and provided for by section 8.404 of this Charter.

The person holding the position of director of the department of public works of Davidson County on the effective date of this Charter⁹ is hereby appointed and designated as assistant director of the metropolitan department of public works. When the office of assistant director becomes vacant, the same shall terminate and not be filled, except as may be provided by ordinance.

8. April 1, 1963.

9. April 1, 1963.

Sec. 20.10. Division of public roads and director thereof.

The former county highway department of Davidson County shall continue to operate and to perform its former road functions as the public roads division of the department of public works and the engineer of said former county highway department shall be the divisional director of said public roads division. The functioning of said division and the designation of its divisional director shall continue until changed by ordinance.

Sec. 20.11. Certain members of county highway patrol and of the park police appointed.

Members of the county highway patrol appointed as such by the sheriff of Davidson County are hereby appointed, and designated as members of the metropolitan police department under the following terms and conditions:

All salaried members of the former county highway patrol who have had not less than three (3) years' experience as members of said patrol upon the effective date of this Charter¹ shall be classified as patrolmen second class in the metropolitan police department and shall be eligible for promotional examinations for available positions in like manner as other patrolmen second class in the metropolitan police department.

All salaried members of the former county highway patrol who are not eligible for classification as patrolmen second class, but who have had not less than six (6) months' experience as members of such patrol upon the effective date of this Charter² shall be classified as patrolmen third class in the metropolitan police force. After service for one (1) year as patrolmen third class and upon certification of the director of the department of metropolitan police, with the approval of the mayor and the civil service commission, such persons shall be advance to the position of patrolmen second class in the same manner as other patrolmen second class. Members of the county highway patrol appointed hereunder to positions with the metropolitan police department shall not be eligible for benefits under the policemen's and firemen's pension fund, but shall derive any pension and retirement benefits from the metropolitan employees' retirement fund.

All salaried members of the park police of the former City of Nashville who are members of the same upon the effective date of this Charter³ and who have civil service status as such shall become custodial personnel of the metropolitan board of parks and recreation.

1. April 1, 1963.
2. April 1, 1963.
3. April 1, 1963.

Sec. 20.12. Certain civil service employees transferred to metropolitan department of law.

All civil service employees in the department of law of the former City of Nashville or in the office of county attorney of the former County of Davidson are hereby transferred to, and continued as employees of, the metropolitan department of law.

Sec. 20.13. Appointments to administrative boards and commissions; former boards and commissions continued.

The metropolitan mayor shall appoint promptly and at least within thirty (30) days after he shall take office all members of boards and commissions whom this Charter authorizes him to appoint. Unless otherwise provided by this Charter, all boards and commissions of the former City of Nashville and of the former County of Davidson are continued for a period of sixty (60) days after the effective date of this Charter or until the board, commission or other agency succeeding to its rights, powers, duties and obligations is organized, whichever date or event occurs earlier.

Sec. 20.14. Transitional provisions as to public schools.

(a) *Temporary administration by city and county school boards.* From the effective date of this Charter⁴ to and including July 31, 1962, the county and city school boards shall each continue to administer, control and operate the school system previously under its jurisdiction in the same manner that such system was operated prior to the effective date of this Charter. Such operation may include assignment of teachers to schools for the school year 1962-1963, to the extent that such assignment is practicable on or before July 31, with such assignments to be made or completed thereafter by the transitional board of education to the extent that may be necessary. The powers, duties and functions of said separate school boards shall cease and terminate after July 31, 1962.

(b) *Transitional operation by transitional board of education.* From August 1, 1962, until June 30, 1964, the administration, operation and control of the metropolitan school system shall be by and under a transitional board of education, subject to the directives and limitations herein-after specified. For the purpose of transitional operation, a transitional board of education of nine (9) members is hereby created and constituted as follows:

Three (3) members shall be persons who were members of the Davidson County Board of Education immediately prior to the termination of said board; and said three (3) members shall be chosen by the Davidson County Board of Education prior to August 1, 1962.

Three (3) members shall be persons who were members of the board of education of the City of Nashville immediately prior to the termination of said board; and said three (3) members shall be chosen by the board of education of the City of Nashville prior to August 1, 1962.

The three (3) remaining members shall be Dr. Henry H. Hill, former president, George Peabody College for Teachers, who shall serve as chairman of the transitional board; Dr. Walter S. Davis, president, A. & I. State University, and Mr. E. C. Carman, vice-president, AVCO Corp.

Any vacancies on the transitional board of education resulting from resignation or death of a former Davidson County Board of Education member shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members.

Any vacancies on the transitional board of education resulting from resignation or death of a former member of the board of education of the City of Nashville shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members.

Any vacancies in membership resulting from the inability to serve, resignation or death of one of the three (3) members named herein shall be filled by the two remaining such members, or upon their failure to agree, by all remaining board members; provided, that if said vacancy is with respect to the membership of Dr. Walter S. Davis, his successor, as so chosen, shall be either the president or acting president of A. & I. State University or of Fisk University or of Meharry Medical School.

During the transitional period, the board shall operate the two separate school systems herein consolidated in the same manner as the two systems were operated prior to the adoption of this Charter, and with the same powers and authorities as the board of education of the City of Nashville and the Davidson County Board of Education previously acted.

During the transitional period the board shall cause a comprehensive survey to be made of the two school systems, to the end that, not later than July 1, 1964,:

- (1) A complete consolidation of the physical properties thereof may be effected.
- (2) The consolidation of personnel and employees thereof may be effected.

The transitional board shall also (i) seek applications for the position of director of schools and assemble information with respect to the applicants, which applications

and information shall be submitted to the metropolitan board of education to the end that its permanent administration may be expedited; and (ii) prepare and submit to the mayor a budget for the scholastic year 1964-1965.

Any fund to the credit of the board of education of the City of Nashville shall be transferred to the credit of the transitional board of education but shall be earmarked and used for the benefit of that portion of the public school system previously operated as city schools. Any fund to the credit of the Davidson County Board of Education shall be transferred to the credit of the transitional board, but shall be earmarked and used for the benefit of that portion of the public school system previously operated as county schools.

During the transitional period the person then holding the position of county superintendent of public instruction by election of the quarterly county court of Davidson County, Tennessee, shall continue to hold such position and to perform and discharge the same duties of that office in connection with that portion of the public school system previously operated as county schools.

During the transitional period that person holding the position of superintendent of the city school system of the City of Nashville shall continue to hold such position and discharge the duties of that office in connection with the school system previously operated as city schools.

The transitional board of education may assign teachers to schools for the school year 1964-1965 to the extent that the same is practicable on or before June 30, 1964, with such assignments, when not made or completely made, to be finished by the permanent metropolitan board of education.

(c) *Operation by permanent board of education.* At least sixty (60) days prior to July 1, 1964, the mayor shall appoint, subject to confirmation by the council as hereinabove provided in section 9.02, the first members of the permanent metropolitan county board of education, which shall assume administration, control and operation of the metropolitan school system.

When the metropolitan board of education fixes the compensation of positions in the school system to be paid after the expiration of the transitional period, consideration shall be given to the varying pay scales and classifications of the former city and of the former county, and whichever pay scale is higher for particular classification shall be adopted as the original rate for such classification in the consolidated metropolitan school system.

At the expiration of the transitional period, the board shall offer professional employment to the person holding the position of county superintendent of public instruction and to the person holding the position of superintendent of schools of Nashville. Such employment shall assure a

compensation at least equal to that received by the person as county or city superintendent for period of time not less than the unexpired term of office, and shall assign to the position duties and responsibilities commensurate with those attached to the abolished position.

4. June 28, 1962. See § 20.21.

Sec. 20.15. Transition as to fiscal and related matters.

(a) *Supplemental appropriations during fiscal year ending June 30, 1963.* Supplemental appropriations made by the metropolitan council to any department, board, commission, office or agency of the metropolitan government for the fiscal year ending June 30, 1963, shall be made within the budget structure of the former City of Nashville and former County of Davidson; provided, nothing in this section shall prevent the metropolitan government from borrowing money necessary to finance obligations of said government for said period which may be specifically created by this Charter.

(b) *Budget and tax levy for fiscal year ending June 30, 1963.* The budget and tax levy of the former City of Nashville shall serve as the budget and tax levy for the urban services district for the fiscal year ending June 30, 1963. The budget and tax levy of the former County of Davidson shall serve as the budget and tax levy for the general services district for the fiscal year ending June 30, 1963. Where functions have been transferred from the urban services district to the general services district, or vice versa, the funds appropriated for such purpose shall follow the function.

(c) *Servicing bonded indebtedness during fiscal year ending June 30, 1963.* Debt service with respect to bonds issued by the City of Nashville shall be paid from the sinking funds of said city during the fiscal year ending June 30, 1963; and debt service with respect to bonds issued by the County of Davidson shall be paid from the sinking funds of said county during the same period, and after June 30, 1963, as set forth in article 7, section 7.20.

(d) *Transitional provisions as to tax assessments and assessors.* Effective September 1, 1962, the county tax assessor shall become the metropolitan tax assessor and shall assume the powers, authority and duties of such office as provided in this Charter.

The assessments made by said assessor as of January 10, 1963, shall be and constitute the assessments on the basis of which taxes for said year shall be collected within both the urban services district and the general services district and to which taxes levied by the council for 1963 and thereafter shall apply. Said assessor is hereby designated and constituted the metropolitan tax assessor, and for

this purpose the Charter shall take effect September 1, 1962.

On or after September 1, 1962, or as soon thereafter as practicable, all personnel of the office of tax assessor of the former City of Nashville under civil service, except those positions excluded or omitted from civil service under provisions of this charter, shall be and become civil service employees in the office of the metropolitan tax assessor.

(e) *Preparation of transitional forms and procedures.* Following the election of the metropolitan government officials, the mayor elect shall request a meeting of the city finance director, the county director of budgets and accounts, and the executive director of the city and county planning commissions for the purpose of proceeding with the preparation of forms, materials and procedures necessary to the official establishment, fiscal functioning and administrative organization of the metropolitan government. The services, facilities and staff personnel of the city finance department, the city legal department, the county department of accounts and budgets, the county attorney's office, and the planning commission of the city and county shall be made available to assist in these preparations.

(f) *First annual operating budget.* In the preparation of the operating budget for the 1963-1964 fiscal year, the following timetable shall prevail:

(1) By April 15, 1963, the director of finance shall distribute the operating budget request forms for both section I and section II of the annual operating budget. Said forms to be returned on the date set by the director of finance.

(2) Not later than May 28, the mayor shall submit to the council the operating budget ordinances and tax levy ordinances following the form and content specified in section 6.03 as closely as possible within the time available for their preparation.

(3) Public hearings on both the capital improvements budget and program and the annual operating budget shall be held between June 7 and 15, 1963.

(4) Third reading and final action shall be taken on the capital improvements budget and the 1963-1964 annual operating budget not later than June 29, 1963.

(g) *First capital improvements program.* The City of Nashville and Davidson County Planning Commissions, following the November election of metropolitan government officials, shall proceed with gathering the data and information necessary for the preparation of the first capital improvements budget and program based on the allocation of functions between the general services district and the urban services district.

The mayor shall submit the capital improvements budget to the council not later than May 25, 1963.

Sec. 20.16. Transitional provisions as to civil service.

The person holding the position of director of personnel by appointment of the civil service commission of the former City of Nashville on the effective date of this Charter,⁵ and having civil service status as such, is hereby appointed and designated as the first director of personnel provided for by section 12.04 of this Charter.

Until the metropolitan civil service commission provided for by section 12.02 of this Charter is organized by election of a chairman, the existing city and county civil service commissions shall continue to function. The existing rules, classification plans and pay plans of the City of Nashville and the County of Davidson shall remain in effect until new rules, a new classification plan and a new pay plan shall have been adopted by the metropolitan civil service commission.

Prior to July 1, 1964, the civil service commission provided for by section 12.02 of this Charter shall be, and shall function as, the civil service commission with respect to nonprofessional personnel employed by the board of health and board of hospitals and nonteaching employees of the board of education.

5. April 1, 1963.

Sec. 20.17. Transitional provisions as to employee benefits.

The person holding the position of director of personnel by appointment of the civil service commission of the former County of Davidson on the effective date of this Charter⁶ is hereby appointed and designated as the first secretary of the metropolitan employee benefit board.

Within thirty (30) days from the effective date of this Charter, the director of personnel, with the approval of either the former civil service commissions of the City of Nashville and the County of Davidson or the metropolitan civil service commission, shall announce a plan for the conduct of an election as provided in section 13.03 to select the employee members of the employee benefit board. Said election shall be held within thirty (30) days from such announcement.

Until the employee benefit board is organized by the election of a chairman, the civil service commission of the former City of Nashville shall continue to administer the policemen's and firemen's pension fund and the civil service employees' pension fund; and the pension commission of the former County of Davidson shall continue to administer the employees' pension and insurance fund, for which purposes both commissions shall continue to func-

tion under their respective rules and regulations and exercise all powers formerly vested in them.

The metropolitan government shall have no obligation (except as created by ordinance or resolution of the metropolitan council) for pension or retirement benefits of a person not under civil service in the county or city government on March 31, 1962, (except library employees) and brought under civil service by resolution or ordinance of the county or city governing body subsequent to said date. This provision shall not impair the pension and retirement benefits of any person employed by the county or city on said date and then under civil service or of any person who was in process of coming under civil service on said date by then serving a probationary period.

Where compensation for a metropolitan office is fixed by this Charter, a person holding specified office in the city or county government is appointed thereto by this Charter, and the compensation herein fixed is an increase over the compensation which such county or city officer was entitled to receive as of March 31, 1962, then the obligation of the metropolitan government for retirement benefits to such person shall be based upon the compensation paid him by the county or city as of March 31, 1962, until such person shall have served as a metropolitan officer for five (5) years or more. After said five (5) years, such benefits shall be based upon compensation paid by the metropolitan government.

6. April 1, 1963.

Sec. 20.18. Transition as to quarterly county court.

The quarterly county court, composed of justices of the peace from civil districts and municipal corporations as prescribed by section 16.04, shall be elected at the next regular August election for justices of the peace, to take office on September 1 following their election. The members of the quarterly county court as constituted prior to this Charter shall continue to serve until the expiration of their terms of office, but after the effective date of this Charter the functions, powers and duties of the quarterly county court shall be as provided by section 16.04 hereof.

Sec. 20.19. Compensation and pension rights of city mayor and city councilmen preserved.

The mayor and members of the city council of the City of Nashville, whose terms of office are abridged by this Charter to the extent of approximately two (2) months, shall be entitled to receive salaries from the metropolitan government and to be eligible to receive pensions therefrom to the same extent as if they had served for the full

term to which elected; provided, that if any of said city officers shall be elected to office at the first election for metropolitan officers, they shall not receive both the salary herein provided and the salary of the metropolitan office to which elected.

Sec. 20.20. Special metropolitan election and term of office of persons then elected.

There shall be a special metropolitan election on the first Tuesday after the first Monday in November, 1962, for the purpose of electing the first mayor, the first vice-mayor and forty (40) members of the first metropolitan council, including five (5) councilmen-at-large and thirty-five (35) district councilmen. Said special election and a run-off election thereafter to be held twenty-one (21) days later, if necessary, shall be held under the provisions of article 15 of this Charter with respect to metropolitan elections. The metropolitan officers elected at said special election shall take office on the first Monday of April, 1963, and shall serve until the first day of September, 1966, or until their successors are elected and qualified.

The metropolitan officers elected at the general metropolitan election to be held on the fourth Thursday of April, 1966, shall serve until the first day of September, 1971, or until their successors are elected and qualified.

For the purpose of determining the eligibility for a pension of the mayor or mayors elected hereunder in the first and second metropolitan general elections, and for the purpose of section 5.06 of this Charter, the term of the first metropolitan mayor elected and the term of the second metropolitan mayor elected shall be deemed to be terms of four (4) years each. (Amended by Res. No. 65-670, § 1, 7-6-65)

Sec. 20.21. Effective date of Charter.

This Charter shall become effective immediately upon its adoption for purposes of section 18.15, section 20.02, section 20.14 and section 20.15 hereof. This Charter shall become effective for all other purposes on the first Monday in April, 1963, which date is hereby defined and designated as "the effective date of this Charter" within the meaning of such quoted phrase as used in this Charter.

ARTICLE 21. INTENT OF CHARTER AND SEPARABILITY OF PROVISIONS

Sec. 21.01. Generally.

The people residing within the area of the metropolitan government declare and determine that by the adoption of this Charter it is their intent to exercise to the full extent possible the constitutional power granted by Amendment No. 8 to article XI, section 9 of the Constitution of Ten-

nessee approved at an election on November 3, 1953, as implemented by Tennessee Code Annotated, section 7-1-101 et seq., and in so doing to consolidate all or substantially all of the governmental and corporate functions of the County of Davidson and of the City of Nashville, so that, in the interest of modern, efficient and economical government, the same may be operated as one (1) governmental entity. The people further declare that to achieve this remedial objective and to aid in the solution of the public problems of a metropolitan area, it is their purpose and intent in its adoption that this Charter shall continue in full force and effect even if any of its separable provisions or parts not essential to this remedial objective shall be held unconstitutional or void. (Res. No. 88-520, § 40, 10-4-88)

APPENDICES TO CHARTER

Appendix One. Description of Boundaries of Urban Services District

Beginning at a point on the centerline of the Cumberland River, said point being the intersection of the centerline of the Cumberland River with the north property line of Cornelia Fort Air Park extended to the centerline of the Cumberland River; thence downstream with the centerline of the Cumberland River to the extended easterly right-of-way line of the Louisville and Nashville Railroad Radnor Cutoff; thence southwardly with the easterly right-of-way line of the Louisville and Nashville Railroad Company's Radnor Cutoff, extended, and with the easterly right-of-way line of the Louisville and Nashville Railroad Company's Radnor Cutoff to a point on the northerly margin of Lebanon Pike; thence eastwardly with the northerly margin of Lebanon Pike to a point of the easterly margin of Spence Lane, extended; thence southwardly with the easterly margin of Spence Lane, extended, and with the easterly margin of Spence Lane to a point on the northerly margin of Elm Hill Pike; thence eastwardly with the northerly margin of Elm Hill Pike to an extended point on the northeasterly line of Dabbs Avenue; thence southeastwardly with the northerly line of Dabbs Avenue to the east line of McGavock Pike, thence southwardly with the east line of McGavock Pike to the northerly property line of the Nashville Municipal Airport property; thence eastwardly with the meanderings of the northerly property line of the Nashville Municipal Airport property and said line extended to the east line of Donelson Pike; thence southwardly with the east line of Donelson Pike and said line extended to the south line of Murfreesboro Pike; thence westwardly along the south line of Murfreesboro Pike to the east line of McGavock Pike; thence southwardly along the easterly line of McGavock Pike and said line extended to the centerline of Mill Creek, said line extended being the southerly-most north-south tangent of McGavock Pike; thence westwardly downstream along the centerline of Mill Creek to the confluence of Seven Mile Creek; thence upstream with the centerline of Seven Mile Creek to the southerly line of Paragon Mills Road; thence southwestwardly along the southerly line of Paragon Mills Road and said line extended to the west line of Nolensville Pike; thence northwestwardly along the west line of Nolensville Pike to a point intersected by the southerly line of Elysian Fields Road extended; thence westwardly along the southerly line of Elysian Fields Road and said line extended to the easterly line of Trousdale Drive; thence southwardly with the east line of Trousdale Drive to a point intersected by the south line of Sidco Drive extended; thence west-

wardly with the south line of Sidco Drive extended and Sidco Drive to a point on the easterly corporate limits of the City of Oak Hill; thence northwardly and continuing westwardly and southwardly with the corporate limits of the City of Oak Hill to a point on the common boundary line of the City of Oak Hill and the City of Forest Hills, said point being located on the south line of Tyne Boulevard approximately 500 feet west of Granny White Pike; thence continuing westwardly and northwardly along the corporate limits of the City of Forest Hills to a point in corporate limits of the City of Belle Meade, said point being the northwest intersection of Tyne Boulevard and Lynnwood Boulevard; thence northwardly, westwardly, and southwardly along the corporate limits of the City of Belle Meade to its intersection with the southwestwardly line of Hillwood Boulevard; thence northwestwardly along the southwesterly line of Hillwood Boulevard to the south line of Hickory Valley Road; thence westwardly with the south line of Hickory Valley Road to the west line of Summerly Drive extended; thence northwestwardly with the westerly line of Summerly Drive extended and the westerly line of Summerly Drive to the north line of Charlotte Pike; thence northeastwardly along the north line of Charlotte Pike to a point intersected by the north line of Old Hickory Boulevard; thence northwestwardly along the northerly margin of Old Hickory Boulevard and the northerly margin of Old Hickory Boulevard extended to the centerline of the Cumberland River; thence upstream along the centerline of the Cumberland River to a point intersected by the centerline of Page's Branch extended; thence upstream with the centerline of Page's Branch extended and Page's Branch to the north line of Lock Road; thence eastwardly along the north line of Lock Road to the south line of White's Creek Pike; thence eastwardly across White's Creek Pike to the northwest corner of White's Creek Pike and Weakley Avenue; thence northeastwardly with the west line of Weakley Avenue to the north line of Fern Avenue extended; thence eastwardly with the north line of Fern Avenue extended and the north line of Fern Avenue to the west line of Brick Church Pike; thence northwardly with the west line of Brick Church Pike to a point intersected by the north property line of Shwab School extended; thence eastwardly along the north property line of Shwab School to the west line of Dickerson Pike; thence eastwardly across Dickerson Pike to the intersection of the east line of Dickerson Pike with the north line of Gatewood Avenue; thence eastwardly along the north line of Gatewood Avenue to the west line of Meridian Street; thence northwardly along the west line of Meridian Street to the north line of Edith Avenue extended; thence eastwardly along the north line of Edith Avenue extended and the north line of Edith Avenue to the west

line of Lischey Avenue; thence northwardly along the west line of Lischey Avenue and said line extended to the north line of E. Trinity Lane; thence eastwardly along the north line of E. Trinity Lane to the westerly line of Pittway Drive; thence northwardly along the westerly line of Pittway Drive to its dead end; thence continuing northwardly in a straight line to the southwest corner of the properties of the Middle Tennessee State Tuberculosis Hospital; thence eastwardly along the southerly property line of the said Tuberculosis Hospital property and the southerly-most line of said property extended across the right-of-way of the Louisville and Nashville Railroad to the east line of Coney Street; thence southwardly along the east line of Coney Street to the north line of Maynor Avenue; thence eastwardly along the north line of Maynor Avenue to the east line of Anderson Place extended; thence southwardly along the east line of Anderson Place and said line extended to the north line of Thomas Avenue; thence eastwardly along the north line of Thomas Avenue to the west line of Gallatin Pike; thence eastwardly across Gallatin Pike to a point at the intersection of the east line of Gallatin Pike and the north line of McGavock Pike; thence eastwardly along the north line of McGavock Pike to the east line of Bronte Avenue extended; thence southwardly along the east line of Bronte Avenue extended and Bronte Avenue to the north line of Litton Avenue; thence eastwardly along the north line of Litton Avenue to the east line of Northview Avenue extended; thence southwardly along the east line of Northview Avenue extended and along the east line of Northview Avenue to the north line of Highland Avenue; thence eastwardly along the north line of Highland Avenue and said line extended to the east line of Pennington Avenue; thence southwardly along the east line of Pennington Avenue to the north line of Ann Street; thence eastwardly along the north line of Ann Street to the west line of Branch Street; thence northwardly along the west line of Branch Street to the north line of Dorchester Street extended; thence eastwardly along the north line of Dorchester Street extended and the north line of Dorchester Street to the east line of Riverside Drive; thence southwardly along the east line of Riverside Drive to the north line of Porter Road; thence eastwardly along the north line of Porter Road to the north line of Mailan Drive; thence eastwardly along the north line of Mailan Drive to the north line of Traughber Drive; thence eastwardly with the north line of Traughber Drive to the west line of Lethia Drive; thence northwardly with the west line Lethia Drive to a point intersected by the north property line of Cornelia Fort Air Park extended; thence eastwardly along the north property line of Cornelia Fort Air Park extended and said north property line extended to the point of beginning.

The tract or parcel of land, as herein described, is excluded from the Urban Services District:

Beginning at the northeast corner of Heiman Street and Twenty-Third Avenue, North; thence northwardly with the east line of Twenty-Third Avenue, North, to the south line of the alley which runs between and parallel to Heiman Street and Underwood Street; thence eastwardly with the south line of said alley to the dividing line between lots number 9 and 10 fronting Heiman Street to the north line of Heiman Street; thence southwardly with said dividing line to the north line of Heiman Street; thence westwardly with the north line of Heiman Street to the point of beginning.

The tract or parcel of land, as herein described, is excluded from the Urban Services District:

The City of Berry Hill.

The present boundary of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point in the boundary of the Urban Services District, said point being in the easterly margin of Spence Lane approximately 158 feet south of Spence Circle, thence in an easterly direction, southerly direction, and a westerly direction with the boundaries of property parcel No. 6, as shown on Map No. 94-15 of the official identification maps of the Metropolitan Government of Nashville and Davidson County, Tennessee, to a point in the easterly margin of Spence Lane and the boundary of the Urban Services District. Being more particularly shown on the map attached hereto and made a part of this Ordinance [Bill No. 73-458] and marked Exhibit "A".* (Bill No. 73-458, § 1, 3-20-73)

* **Editor's note**—Exhibit A is not set out in this code but is on file in office of the metropolitan clerk.

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point on the existing Urban Services District boundary, said point being the intersection of Murfreesboro Pike and Donelson Pike; thence southeastwardly with the centerline of Murfreesboro Pike to the easterly boundary extended of Town Park Estates as of record in Book 3300, Pages 64 and 65 R.O.D.C.; thence southwardly with said boundary extended and said boundary to the southerly boundary of said subdivision; thence westwardly with said boundary to its intersection with the easterly property line extended of parcel 148, map 134; thence southwardly with said property line extended and said property line to the easterly boundary of Bush Industrial Subdivision as of record in Book 3500, Page 105,

R.O.D.C.; continuing southwardly with said boundary to the southerly boundary of said subdivision; thence westwardly with said boundary to the southerly property line of parcel 146, map 134; continuing westwardly with said property line and said property line extended to its intersection with the centerline of Ezell Pike; thence westwardly with said centerline to its intersection with the easterly property line extended of parcel 144, map 134; thence southwardly with said property line extended, said property line and said property line extended to its intersection with the centerline of Mill Creek; thence southeastwardly, southwardly and southwestwardly with said centerline to its intersection with the northerly property line extended of parcel 178, map 134; thence eastwardly with said property line extended and said property line to the easterly property line of said parcel; thence southwardly with said property line to its southerly property line of said parcel; thence westwardly with said property line and said property line extended to its intersection with the centerline of Mill Creek; thence southwardly with said centerline to its intersection with the centerline of Franklin Limestone Road; thence southeastwardly with said centerline to its intersection with the northerly property line extended of parcel 65, map 148; thence eastwardly with said property line extended and said property line and continuing with the northerly property line of parcel 11, map 149, and said property line extended to its intersection with the centerline of Una-Antioch Pike; thence southwestwardly with said centerline to its intersection with the northerly property line extended of parcel 29, map 149; thence eastwardly with said property line extended and said property line to the easterly property line of said parcel; thence southwardly with said property line and continuing with the easterly property lines of parcels 30, 31, 32, 33, 34 and 36, map 149 to the intersection of said line with the northerly property line of parcel 191, map 149; thence southeastwardly with said property line and continuing with the rear property line of parcel 204, map 149 and parcel 37, map 149 to the easterly property line of said parcel; thence southwestwardly with said property line and said property line extended to its intersection with the centerline of Una-Antioch Pike; thence southwardly with said centerline to its intersection with the northerly property line extended of parcel 39, map 149; thence eastwardly with said property line extended and said property line to its easterly property line of said parcel; thence southwardly with said property line to its intersection with the northerly property line of parcel 212, map 149; thence eastwardly with said property line to the easterly property line of said parcel; thence southwardly with said property line to the southerly property line of said parcel; thence westwardly with said property line and continuing with the southerly property line of

parcel 211, map 149 to its intersection with the easterly property line of parcel 223, map 149; thence southwardly with said property line and continuing with the easterly property line of parcel 41, map 149 to the intersection of said property line with the northerly property line of parcel 3, map 163; thence westwardly with said property line to the westerly property line of said parcel; thence southwardly with said property line and said property line extended to its intersection with the centerline of Moss Road; thence westwardly with said centerline to the westerly property line extended of parcel 26, map 163; thence southwardly with said property line extended and with said property line and continuing with the westerly property line of parcel 27, map 163 to the southerly property line of said parcel; thence eastwardly with said property line and continuing with the southerly property line of parcel 34, map 163 and said property line extended to its intersection with the centerline of Rural Hill Road; thence northeastwardly with said centerline to its intersection with the northerly property line extended of parcel 95.3, map 163; thence southeastwardly with said property line extended and said property line to the westerly property line of parcel 95.2, map 163; thence southwestwardly, northwestwardly and southwestwardly with said property line and said property line extended to the centerline of Mt. View Road; thence southeastwardly with said centerline to its intersection with the easterly property line extended of parcel 103, map 163; thence southwestwardly with said property line extended and said property line to the northerly property line of parcel 107, map 163; thence eastwardly with said property line to the easterly property line of said parcel; thence southwardly with said property line and said property line extended to its intersection with the centerline of the Louisville and Nashville Railroad right-of-way; thence northwestwardly with said centerline to the easterly property line extended of parcel 179, map 163; thence southwestwardly with said property line extended and said property line extended to its intersection with the centerline of Interstate 24; thence northwestwardly with said centerline to its intersection with the easterly property line extended of parcel 92, map 163; thence southwardly with said property line extended and said property line and continuing with the easterly property line of parcel 158, map 163 to the northerly property line of parcel 93, map 163; thence eastwardly with said property line to the easterly property line of said parcel, thence southwardly with said property line to the southerly property line of said parcel; thence westwardly with said property line and said property line extended across the right-of-way of Cane Ridge Road to the northerly property line of parcel 3.1, map 174; thence westwardly with said property line and continuing with the northerly property lines of parcels 44,

52, 3, and 2 all on map 174 to the northerly property line of parcel 1, map 174; thence westwardly with said property line and said property line extended to its intersection with the centerline of Mill Creek; thence southwardly with said centerline to the southerly property line extended of parcel 124, map 162; thence westwardly with said property line extended, said property line and said property line extended across the right-of-way of Blue Hole Road to the southerly property line of parcel 122, map 162; thence westwardly with said property line to the southerly property line of parcel 116, map 162; thence westwardly, northwardly and westwardly with said property line to the southerly property line of parcel 114, map 162; thence westwardly with said property line and continuing with the southerly property lines of parcels 146, 147, 113.1 and 113, all on map 162 to the westerly property line of parcel 113, map 162; thence northwardly with said property line to the southerly property line of parcel 112, map 162; thence westwardly with said property line and continuing with the southerly property lines of parcels 108, 106, and 129, all on map 162 to the southerly property line of parcel 103, map 162; thence westwardly with said property line and said property line extended across the right-of-way of Old Hickory Boulevard to the southerly property line of parcel 90, map 162; thence westwardly with said property line to the westerly property line of said parcel; thence northwardly with said property line to the southerly property line of parcel 89, map 162; thence westwardly with said property line and continuing with the southerly property line of parcel 85, map 162 to the easterly property line of parcel 84, map 162; thence southwardly with said property line and continuing southwardly, eastwardly and southwardly with the easterly property line of parcel 3, map 173 and said property line extended to its intersection with the centerline of Barnes Road; thence westwardly with said centerline to its intersection with the centerline of Nolensville Pike; thence southwardly with said centerline to its intersection with the southerly boundary extended of Forest Acres Estates, Section 1 as recorded in Book 3700, Page 2, R.O.D.C.; thence westwardly with said boundary extended, said boundary and the southerly boundary of Forest Acres Estates, Section 2 as of record in Book 4175, Page 128 to the westerly boundary of said subdivision; thence northwardly with said boundary to the southerly property line of parcel 77, map 172; thence northwestwardly with said property line to the southerly property line of parcel 113, map 172; thence westwardly with said property line to the westerly property line of parcel 76, map 172; thence southwardly with said property line to the northerly property line of parcel 30, map 172; thence westwardly, northwestwardly and westwardly with said property line to the westerly property line of said par-

cel; thence southwardly with said property line to the northerly property line of parcel 123, map 172; thence westwardly with said property line and said property line extended to its intersection with the centerline of Edmonson Pike; thence southwardly with said centerline to its intersection with the centerline of Cloverland Drive; thence westwardly with said centerline to its intersection with the westerly property line extended of parcel 97, map 171; thence southwardly with said property line extended and continuing southwardly and southwestwardly with said property line to the Davidson-Williamson County Line; thence northwestwardly with said line to the westerly property line of parcel 1, map 170; thence northwardly with said property line and said property line extended to the corporate line of the City of Oak Hill; thence eastwardly and northeastwardly with said corporate line to its intersection with the existing Urban Services District Line; thence generally eastwardly, northeastwardly and eastwardly to Donelson Pike, the point of beginning, all of which is more particularly shown by lines, words and figures on the map attached hereto and made a part of this Ordinance [Bill No. 73-697] and marked Exhibit A*.

Parcel numbers refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on September 10, 1973. (Bill No. 73-697, § 1, 11-20-73)

* **Editor's note**—Exhibit A is not set out in this Code but is on file in the office of the metropolitan clerk.

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point on the existing Urban Services District boundary, said point being its intersection with the existing corporate line of the City of Oak Hill, said corporate line being at this point the westerly boundary of Interstate No. 65; thence, northwardly and westwardly with said corporate line to its intersection with the existing Urban Services District boundary; thence, northwardly, eastwardly, southwardly, and westwardly with said boundary to the point of beginning. (Bill No. 75-1246, § 1, 5-20-75)

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point on the existing Urban Services District boundary, said point being its intersection with the centerline of Knight Road; thence northwardly with said centerline to its intersection with the centerline of Briley Parkway; thence eastwardly with said centerline to its intersection with the centerline of Interstate 24; thence southwardly with said centerline to its intersection with

Ewing Creek; thence westwardly with said creek to the point of beginning. (Bill No. 75-1299, § 1, 7-15-75)

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the northerly right-of-way line of Old Hickory Boulevard with the centerline of Interstate 40 West; thence southwestwardly with said centerline to its intersection with the centerline of Charlotte Pike; thence westwardly with said centerline to its intersection with the extended westerly property line of parcel 17, map 102; thence northwardly with said property line extended, with said property line and with said property line extended to the centerline of the Cumberland River; thence northeastwardly with said centerline to its intersection with the existing Urban Services District boundary; thence eastwardly with said boundary to the point of beginning. Parcel number refers to parcel as shown on the Metropolitan Planning Commission property map series 200 on January 22, 1976. (Bill No. 76-115, § 1, 4-6-76)

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Beginning at a point on the present Urban Services District Line, said point being the intersection of the centerline of Clarksville Pike with the westerly property line extended of parcel 110 cap 58, thence northwardly with said line extended and with said line to its intersection with the westerly property line of parcel 109 map 58, thence northwardly and northwestwardly with said line to its intersection with the northerly property line of parcel 106 map 58, thence eastwardly with said line to its intersection with the westerly property line of parcel 100 map 58, thence northeastwardly with said line and said line extended to the centerline of Homeland Drive, thence northwestwardly with said centerline to its intersection with the southerly property line extended of parcel 98 map 58, thence westwardly with said line extended and said line to its intersection with the westerly property line of said parcel, thence northwardly with said line and with the westerly property lines of parcels 97, 96 and 95 map 58 to the intersection of the westerly boundary of parcel 95 map 58 with the northerly property line of said parcel, then eastwardly with said line and with said line extended to the centerline of Homeland Drive, thence northwardly with said centerline to the southerly property line extended of parcel 123 map 48, thence northwestwardly with said line extended and said line to its intersection with the westerly property line of said parcel, thence northeastwardly with said line and continuing along the rear property lines of

parcels 122, 121, 105, 104, 120, 119, 118, 117, and 116 map 48 to the northwest corner of parcel 116 map 48, thence eastwardly with the northerly property line of said parcel and with said line extended to the centerline of Homeland Drive, thence northeastwardly with said centerline and said centerline extended across the right-of-way of Stevens Lane to the westerly property line of parcel 100 map 48, thence northwardly with said line to its intersection with the southerly property line of parcel 99 map 48, thence northwestwardly with said line and continuing along the rear property lines of parcels 98, 97, 96, 167, 95, 94, and 93 map 48 to the northwest corner of parcel 93 map 48, thence eastwardly with the northerly property line of said parcel to its intersection with the westerly property line of parcel 85, thence northwardly with said line to its intersection with the southerly property line of parcel 84 map 48, thence westwardly with said line and continuing westwardly, northwestwardly, southwestwardly and northwardly along the rear property lines of parcels 155, 153, 149, 151, 143, 145, 147, and 82 map 48 to a point, said point being the intersection of the westerly property line of parcel 82 map 48 with the southerly right-of-way line of Dry Fork Road, thence with a line projected across said right-of-way to a point, said point being the intersection of the northerly right-of-way line and the westerly property line of parcel 19 map 48, thence northwardly with said line and said line extended to the centerline of Clarksville Pike, thence southeastwardly with said centerline to its intersection with the centerline extended of Lloyd Road, thence northeastwardly with said centerline extended and said centerline to its intersection with the easterly property line extended of parcel 180 map 48, thence southwardly with said line extended and said line to its intersection with the southerly property line of said parcel, thence southwestwardly with said line to its intersection with the rear property line of parcel 33 map 48, thence southeastwardly with said line and continuing with the rear property lines of parcels 32, 31, 30 and 29 map 48 to a point, said point being the intersection of the rear property line of parcel 29 map 48 with the southeasterly property line of said parcel, thence southwestwardly with said line and said line extended to the centerline of Clarksville Pike, thence southeastwardly with said centerline to its intersection with the northwesterly property line extended of parcel 28 map 48, thence northeastwardly with said line extended and said line to its intersection with the northeasterly property line of said parcel, thence southeastwardly with said line and continuing along the rear property lines of parcels 27, 26, 25, 24 and 23 map 48 to a point, said point being the intersection of the northeasterly property line of parcel 23 map 48 with the southeasterly property line of said parcel, thence southwestwardly with said line

and said line extended to the centerline of Clarskville Pike, thence southeastwardly with said centerline to its intersection with the centerline extended of Dry Fork Road, thence eastwardly with said centerline extended, with said centerline and with said line extended to the centerline of Buena Vista Pike, thence northwardly with said centerline to the intersection of the southerly property line extended of parcel 51 map 49, thence westwardly with said line extended and said line to its intersection with the westerly property line of said parcel, thence northwardly with said line and continuing along the rear property lines of parcels 50, 290, 49, 48 and 47 map 49 to a point, said point being the intersection of the westerly property line extended of parcel 47 map 49 and the centerline of Lloyd Road, thence westwardly with said centerline to its intersection with the westerly property line extended of parcel 44 map 49, thence northwardly with said line extended and with said line to its intersection with the northerly property line of said parcel, thence eastwardly with said line and continuing with the northerly property line of parcel 43 map 49 and said line extended to the centerline of Whites Creek Pike, thence northwardly with said centerline to its intersection with the northerly property line extended of parcel 200 map 49, thence eastwardly with said line and continuing with the northerly property line of parcel 198 map 49 to its intersection with the easterly property line of parcel 197 map 49, thence southeasterly with said line and continuing in an easterly direction along the rear property lines of parcels 194, 193, and 192 map 49, and in a southerly direction along the rear property lines of parcels 282, 189, 188, 187, 186, 185, 181, 180, 179 and 178 map 49 to a point, said point being intersection of the rear property line of parcel 178 map 49 with the southeasterly property line of said parcel, thence southwestwardly with said line and with said line extended to its intersection with the centerline of Whites Creek Pike, thence southeastwardly with said centerline to its intersection with the northwesterly property line extended of parcel 177 map 49, thence northeastwardly with said line extended and said line to its intersection with the northeasterly property line of said parcel, thence southeastwardly with said line and continuing along the rear property lines of parcels 176, 175, 174, 173, 172, 171, 170, 169, 168 and 167 map 49 to a point, said point being the intersection of the northeasterly property line of parcel 167 map 49 with the southeasterly property line of said parcel, thence southwestwardly with said line and said line extended to the centerline of Whites Creek Pike, thence southeastwardly with said centerline to its intersection with the centerline extended of Green Lane, thence eastwardly with said centerline to its intersection with the westerly property line extended of parcel 166 map 49, thence northwardly with said line extended and said

line to its intersection with the northerly property line of said parcel, thence eastwardly with said line and continuing along the rear property lines of parcels 165, 164, 163, 62, 161, 160, 159, 158, 157, 156 and 155 map 49 to a point, said point being the intersection of the northerly property line of parcel 155 map 49 with the easterly property line of said parcel, thence southwardly with said line and said line extended to the centerline of Green Lane, thence eastwardly with said centerline to its intersection with the westerly property line extended of parcel 153 map 49, thence northwardly with said line extended and said line to its intersection with the northerly property line of said parcel, thence eastwardly with said line and continuing along the rear property lines of parcels 152, 151 and 150 map 49 to a point, said point being the intersection of the northerly property line of parcel 149 map 49, thence northwardly with said line to its intersection with the northerly property line of said parcel, thence eastwardly with said line and said line extended to the centerline of Knight Drive, thence northwardly with said centerline to its intersection with the property line extended of parcel 251 map 49, thence eastwardly with said line extended and with said line and continuing with the northerly property line of parcel 253 map 49 to its intersection with the easterly property line of said parcel, thence southwardly with said line to its intersection with the southerly property line of said parcel, thence westwardly with said line to its intersection with the easterly property line of parcel 254 map 49, thence southwardly with said line to its intersection with the southerly property line of said parcel, thence westwardly with said line to its intersection with the easterly property line of parcel 255 map 49, thence southwardly along said property line and continuing along the rear property line of parcels 256, 257 and 258 map 49 to a point, said point being the intersection of the easterly property line of parcel 258 map 49 with the southerly property line of said parcel, thence westwardly along said line and said line extended to the centerline of Knight Drive, thence southwardly with said centerline to its intersection with the northerly property line extended of parcel 261 map 49, thence southeastwardly along said line to its intersection with the easterly property line of said parcel, thence southwardly along said property line to its intersection with the northerly boundary of parcel 262 map 49, thence eastwardly along said property line to its intersection with the easterly property line of said parcel, thence southwestwardly along said property line and continuing along the easterly property line of parcel 263 map 49 and said property line extended to the centerline of Knight Drive, thence southwardly along said centerline to its intersection with the northerly property line extended of parcel 264 map 49, thence eastwardly, southwardly and

westwardly along the property lines of said parcel to the southerly property line extended to the centerline of Knight Drive, thence southwardly along said centerline to its intersection with a point of the existing Urban Services District boundary line, said point being the intersection of the centerline of Knight Drive with the centerline of Briley Parkway, thence in a general westwardly direction along said boundary to the point of beginning. Parcel numbers refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on March 29, 1976. Further, the property described on map 49, parcel 52 shall be included in the annexation to the Urban Services District. (Bill No. 76-144, § 1, 5-18-76)

The present boundaries of the Urban Services District [shall] be extended so as to embrace and include the hereinafter described property:

Area One-Inglewood-Maplewood. Beginning at a point on the existing Urban Services District boundary line, said point being the intersection of the centerline of Briley Parkway with the centerline of Interstate 24; thence northwardly with the centerline of Interstate 24 to its intersection with the centerline of Brick Church Lane; thence eastwardly with said centerline to its intersection with the centerline of Brick Church Pike; thence southwardly with said centerline to its intersection with the northerly property line extended of parcel 1 map 50-10; thence eastwardly with said property line extended, said property line and said property line extended to the northwest corner of parcel 5 map 50-10; thence eastwardly with the northerly property line of said parcel and continuing with the northerly property lines of parcels 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 25 map 50-10; thence eastwardly with the northerly property line extended of last said parcel to its intersection with the northwest corner of parcel 1 map 50-11; thence eastwardly with the northerly property line of said parcel and continuing with the rear property lines of parcels 2, 3, and 4 map 50-11 to its intersection with the northerly property line of parcel 6 map 50-11; thence eastwardly with said property line and said property line extended to its intersection with the northwest corner of parcel 7 map 50-11; thence eastwardly with the northerly property line of said parcel and continuing with the rear property lines of parcels 9, 10 and 12 map 50-11; thence eastwardly with the northerly property line of last said parcel and said property line extended to its intersection with the northwest corner of parcel 38 map 50-11; thence eastwardly with the northerly property line of said parcel and said property line extended to its intersection with the northwest corner of parcel 49 map 50-11; thence eastwardly with the northerly property line of said parcel to its intersection with the northerly property line of parcel 48 map 50-11; thence eastwardly with the northerly

property line of said parcel to its intersection with the northerly property line of parcel 50 map 50-11; thence eastwardly with said property line and said property line extended to the northwest corner of parcel 56 map 50-11; thence eastwardly with the northerly property line of said parcel to its intersection with the easterly property line of said parcel; thence southwardly with said property line and continuing with the rear property lines of parcels 57 and 58 map 50-11 to its intersection with the easterly property line of parcel 61 map 50-11; thence southwardly with said property lines and said property line extended to the northeast corner of parcel 41 map 50-15; thence southwardly with the easterly property line of said parcel to its intersection with the northerly right-of-way of Briley Parkway; thence southwardly along a line projected across the right-of-way of Briley Parkway to the intersection of the southerly right-of-way of Briley Parkway and the westerly property line of parcel 62 map 50-15; thence northeastwardly with the northerly property line of said parcel and continuing along the rear property line of parcels 63, 64, 65, 66, 67, 68, 69, 70 and 71 map 50-15 to its intersection with the easterly property line of last said parcel; thence southwardly along said property line and said property line extended to its intersection with the northerly property line of parcel 2 map 50-16; thence eastwardly with said property line to its intersection with the northerly property line of parcel 9 map 50-16; thence eastwardly with said property line and said property line extended to its intersection with the centerline of Dickerson Pike; thence northwardly with said centerline to its intersection with the centerline of Briley Parkway; thence eastwardly with said centerline to its intersection with the centerline of Walton Lane; thence eastwardly with said centerline to its intersection with the centerline of Briarville Road; thence northwardly with said centerline to its intersection with northerly property line extended of parcel 1 map 51-14; thence eastwardly with said property line extended and said property line to its intersection with the northerly property line of parcel 2 map 51-14; thence eastwardly with said property line to its intersection with the easterly property line of said parcel; thence southwardly with said property line to its intersection with the northerly property line of parcel 3 map 51-14; thence eastwardly with said property line to its intersection with the northerly property line of parcel 5 map 51-14; thence eastwardly with said property line to its intersection with the westerly right-of-way of Lewis Road; thence eastwardly along a line protected across the right-of-way of Lewis Road to the intersection of the easterly right-of-way of Lewis Road and the northerly property line of parcel 10 map 51-14; thence eastwardly with said property line and said property line extended to the centerline of Saunders Avenue; thence southwardly with said center-

line to its intersection with the northerly property line extended of parcel 28 map 51-15; thence eastwardly with said property line extended and said property line to its intersection with the easterly property line of said parcel; thence southwardly with said property line to its intersection with the northerly property line of parcel 29 map 51-15; thence eastwardly with said property line to its intersection with the westerly right-of-way of Oakland Acres Drive; thence eastwardly along a line projected across the right-of-way of Oakland Acres Drive to the intersection of the easterly right-of-way of Oakland Acres Drive and the northerly property line of parcel 39 map 51-15; thence eastwardly with said property line and said property line extended to the centerline of Love Avenue; thence southwardly with said centerline to its intersection with the centerline of Walton Lane; thence eastwardly with said centerline to its intersection with the centerline of Gallatin Pike; thence southwardly with said centerline to its intersection with the centerline of Briley Parkway; thence eastwardly with said centerline to its intersection with the westerly property line extended of parcel 150 map 61-4; thence northeastwardly with said property line extended and said property line to its intersection with the northerly property line of said parcel; thence eastwardly with said property line to its intersection with the northerly property line of parcel 25.2 map 61-4; thence eastwardly with said property line and continuing with the northwesterly property lines of parcels 30, 31, 32, and 33 map 61-4 to its intersection with the westerly property line of parcel 9 map 51-16; thence northwardly with said property line and continuing with the westerly property lines of parcels 11, 12 and 13 map 51-16 to its intersection with the westerly property line of parcel 163 map 51; thence northwardly with said property line to the shoreline of Cheek Lake; thence northeastwardly with said shoreline and said centerline extended to the centerline of the Cumberland River; thence southwardly with said centerline to its intersection with the existing Urban Services District boundary line; thence in a general westwardly and northwardly direction with said boundary line to the point of beginning. Parcel numbers refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on June 18, 1976.

Area Two—Donelson. Beginning at a point on the existing Urban Services District boundary recorded on June 17, 1976, said point being the intersection of the northerly property line extended of parcel 21 map 84 with the centerline of the Cumberland River; thence eastwardly along said property line extended and said property line to the intersection of said property line extended with the centerline of Briley Parkway; thence northwardly with said centerline to its intersection with the northerly property line

extended of parcel 73 map 62; thence eastwardly with said property line extended and said property line and continuing eastwardly with the northerly property lines of parcels 22 and 20 map 62 to the westerly right-of-way line of Pennington Bend Road; thence eastwardly with a line projected across said right-of-way to the northwest corner of parcel 42 map 62; thence eastwardly with the northerly property line of said parcel and said property line extended to its intersection with the westerly property line of parcel 41.2 map 62; thence northwardly, eastwardly and southwardly with the westerly, northerly and easterly property lines of said parcel to the intersection of said easterly property line with the northerly property line of parcel 1 map 62-7; thence eastwardly with said property line and continuing eastwardly and southwardly with the rear property lines of parcels 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 57 map 62-11, parcels 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, and 64 map 62-15 and parcels 31 and 30 map 73-3 to the southeast corner of parcel 30 map 73-3; thence westwardly with the southerly property line of said parcel and continuing with the southerly property lines of parcels 29 and 22 map 73-3 to the easterly right-of-way line of Western Hills Drive; thence southwardly with said right-of-way line to the northerly property line of parcel 60 map 73-3; thence eastwardly with said property line to the rear property line of said parcel; thence southeastwardly with said property line and continuing with the rear property lines of parcels 61, 63, 64, 65 and 66 map 73-3, parcels 1, 2, 3, 4, 5, 6, 7 and 8 map 73-4 and parcels 22, 24, 25, 26, 27, 28 and 29 map 73-8 to a point, said point being the intersection of the rear property line of parcel 29 map 73-8 with the northerly property line of parcel 30 map 73-8; thence southwardly and eastwardly with said property line and said property line extended to the centerline of the Cumberland River; thence southwardly and eastwardly with said centerline to its intersection with the centerline extended of Stones River; thence with said centerline extended and said centerline as it meanders in a generally southeasterly direction to its intersection with the centerline of Interstate 40; thence southwestwardly with said centerline to its intersection with the southwesterly property line extended of parcel 78 map 96-16; thence northwestwardly with said property line extended, said property line and said property line extended across the right-of-way of Niagara Drive to the southwest corner of parcel 79 map 96-16; thence northwestwardly with the southwesterly property line of said parcel to the rear property line of said parcel; thence northwardly with said property line continuing with the westerly property lines of parcels 80, 81 and 113 map 96-16 to the westerly right-of-way line of Fall Creek Drive; thence northwardly with said line to its intersection with

the southerly property line of parcel 107 map 96-16; thence westwardly with said property line to the westerly property line of said parcel; thence northwardly with said property line and continuing with the westerly property lines of parcels 108, 109, 110, 111 and 112 map 96-16 and parcels 40 and 48 map 96-12 and the westerly property line extended of last said parcel to the centerline of McCrory Creek Road; thence southwestwardly with said centerline to the easterly property line extended of parcel 93 map 96; thence northwardly with said property line and said property line extended to the centerline of McCrory Creek; thence southwestwardly along said centerline to a point, said point being the intersection of the centerline of McCrory Creek with the northeasterly property line of parcel 37 map 96-15; thence southeastwardly along said property line and said property line extended to the centerline of McCrory Creek Road; thence southwestwardly with said centerline to the easterly property line extended of parcel 92 map 96-15; thence northwardly with said property line extended and said property line to the northwesterly property line of said parcel; thence southwestwardly with said property line to the westerly property line of said parcel; thence southwardly with said property line to the southwesterly property line of said parcel; thence southeastwardly with said property line to its intersection with the northwesterly property line of parcel 90 map 96-15; thence southwestwardly with said property line to its intersection with the northwesterly property line of parcel 106 map 96-15; thence southwestwardly with said property line to the southwesterly property line of said parcel; thence southeastwardly with said property line and said property line extended to the centerline of McCrory Creek Road; thence southwestwardly with said centerline to its intersection with the centerline of Elm Hill Pike; thence eastwardly with said centerline to its intersection with the centerline of Interstate 40; thence westwardly with said centerline to its intersection with the centerline of Donelson Pike; thence southwardly with said centerline to its intersection with the existing Urban Services District boundary; thence in a generally westwardly, northwardly and northeastwardly direction with aid boundary to the point of beginning. Parcel numbers refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on June 17, 1976.

Further, the hereinafter described property shall be included in the annexation to the Urban Services District:

Beginning at a point, said point being the intersection of the centerline of Interstate 40 with the centerline extended of Fitzpatrick Road; thence southwardly with said centerline extended and said centerline to its intersection with the southerly property line extended of parcel 58 map 96-16; thence westwardly with said property line extended

and said property line to its intersection with the southerly property line of parcel 42 map 96-16; thence westwardly with said property line and said property line extended to its intersection with the southeasterly corner of parcel 41 map 96-16; thence westwardly with the southerly property line of said parcel to its intersection with the southerly property line of parcel 36 map 96-16; thence westwardly with said property line to its intersection with the southeasterly property line of parcel 35 map 96-16; thence southwestwardly with said property line and continuing along the rear property line of parcels 34, 33, 32, 31, 30, 29, 28, 27, 26 and 25 map 96-16 to its intersection with the southerly property line of parcel 25 map 96-16; thence westwardly with said property line to its intersection with the southwesterly property line of said parcel; thence northwestwardly with said property line and said property line extended to the southwesterly corner of parcel 24 map 96-16; thence northwestwardly with the southwesterly property line of said parcel and said property line extended to its intersection with the centerline of Interstate 40; thence northeastwardly with said centerline to the point of beginning.

Further, the hereinafter described property shall be included in the annexation to the Urban Services District:

Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the northerly property line extended of parcel 21 map 84 with the centerline of the Cumberland River; thence northwardly and northeastwardly with the centerline of the Cumberland River to its intersection with the northeasterly property line extended of parcel 164 map 52-9; thence southwardly with said property line extended and said property line to its intersection with the northerly right-of-way of Miami Avenue; thence with a line projected across Miami Avenue to the intersection of its southerly right-of-way with the northeasterly property line of parcel 165 map 52-9; thence southeastwardly with said property line to its intersection with the southeasterly property line of said parcel; thence southwestwardly with said property line and continuing along the rear property lines of parcels 166, 167, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 180, 183, 184, 185, 186, 187 and 188 map 52-9, and parcels 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 map 52-9 to the intersection of the last said parcel with the northeasterly property line of parcel 59 map 52-13; thence southeastwardly with said property line to its intersection with the southeasterly property line of said parcel; thence southwestwardly with said property line to its intersection with the northeasterly property line of parcel 60 map 52-13; thence southeastwardly with said property line and continuing along the rear property lines of parcels 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73,

74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 map 52-13 to its intersection with the southeasterly property line of last said parcel; thence southwestwardly with said property line to its intersection with the northwesterly property line of parcel 3 map 52; thence northeastwardly with said property line to its intersection with the northeasterly property line of said parcel; thence southeastwardly with said property line to its intersection with the northeasterly property line of parcel 4 map 52; thence southeastwardly with said property line to its intersection with the northwesterly property line of parcel 5 map 52; thence northeastwardly with said property line to its intersection with the northeasterly property line of last said parcel; thence southeastwardly with said property line to its intersection with the northwesterly property line of parcel 7 map 52; thence northeastwardly with said property line to its intersection with the northwesterly property line of parcel 8 map 52; thence northeastwardly with said property line and said property line extended to its intersection with the centerline of Lock Two Road; thence southwardly with said centerline and said centerline extended to its intersection with the centerline of Pennington Bend Road; thence southeastwardly with said centerline to its intersection with the westerly property line extended of parcel 72 map 62; thence northwardly with said property line extended and said property line to its intersection with the northerly property line of said parcel; thence eastwardly with said property line to its intersection with the easterly property line of said parcel; thence southwardly with said property line and said property line extended to its intersection with the centerline of Barton Lane; thence southeastwardly with said centerline to its intersection with the northerly property line extended of parcel 40 map 62; thence eastwardly with said property line extended and said property line to its intersection with the easterly property line of said parcel; thence southwardly with said property line to its intersection with the northerly property line of parcel 41.1 map 62; thence eastwardly with said property line and continuing along the northerly property line of parcel 104 map 62 to its intersection with the easterly property of last said parcel; thence southwardly with said property line and said property line extended to the centerline of Pennington Bend Road; thence eastwardly with said centerline to its intersection with the westerly property line extended of parcel 76 map 62; thence northwardly with said property line extended and said property line to its intersection with the northeasterly property line of said parcel; thence southeastwardly with said property line to its intersection with the easterly property line of said parcel; thence southwardly with said property line and said property line extended to its intersection with the centerline of Pennington Bend Road; thence southwardly with

said centerline to its intersection with the southerly property line extended of parcel 19 map 62; thence northwestwardly with said property line extended and said property line to its intersection with the southerly property line of parcel 18 map 62; thence northwestwardly with said property line to its intersection with the southerly property line of parcel 17 map 62; thence northwestwardly with said property line and said property line extended to its intersection with the centerline of Briley Parkway; thence southwardly with said centerline to its intersection with the northerly property line extended of parcel 21 map 84; thence westwardly with said property line extended, said property line and said property line extended to the point of beginning.

Area Three—West Meade—Hillwood. Beginning at a point on the existing Urban Services District boundary as recorded on June 18, 1976, said point being the intersection of the city boundary of the City of Belle Meade, Hillwood Drive and the Louisville and Nashville Railroad, thence southwestwardly with the boundary of the City of Belle Meade and said boundary line extended through the intersection of the centerlines of Page Road and Nichol Lane to the northeasterly boundary line of Percy Warner Park; thence northwestwardly and westwardly with said boundary line and said boundary line extended to the centerline of State Route 100; thence southwestwardly with said centerline to its intersection with the southwesterly property line extended of parcel 34 map 143; thence northwestwardly with said property line extended to its intersection with the southeasterly property line of parcel 27 map 143; thence southwestwardly with said property line to its intersection with the southwesterly property line of said parcel; thence northwestwardly with said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line to its intersection with the westerly property line of parcel 28 map 143; thence northwardly with said property line to its intersection with the westerly property line of parcel 7 map 129-14; thence northwardly with said property line and said property line extended to its intersection with the westerly property line extended of parcel 5 map 129-14; thence northwardly with said property line extended and said property line to its intersection with the westerly property line of parcel 10 map 129; thence northwardly with said property line and said property line extended to its intersection with the centerline of Brookmont Terrace; thence southwestwardly with the centerline of Brookmont Terrace to its intersection with the southwesterly property line extended of parcel 3 map 129; thence northwestwardly along said property line extended and said property line to its intersection with the southerly property line of parcel 67 map 129-10; thence westwardly along said prop-

erty line to its intersection with the southerly property line of parcel 47 map 129-10; thence westwardly along the southerly property line of said parcel to its intersection with the southerly property line of parcel 46 map 129-10; thence westwardly with said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line to its intersection with the westerly property line of parcel 45 map 129-10; thence northwardly and northwestwardly with said property line to its intersection with the southwesterly property line of parcel 44 map 129-10; thence northwestwardly with said property line and continuing with the rear property lines of parcels 25 and 24 map 129-10 and parcels, 8, 2, and 1 map 129-9, and parcels 33, 31, 25, 24 and 5 map 129-5; thence northwestwardly with the rear property line of last said parcel to its intersection with the southerly property line of parcel 7 map 128-8; thence westwardly with said property line to its intersection with the southeasterly property line of parcel 6 map 128-8; thence southwestwardly with said property line and said property line extended to its intersection with the southeast corner of parcel 5 map 128-8; thence westwardly, northwestwardly and northeastwardly with the southerly property line of said parcel to its intersection with the northwesterly property line of parcel 3 map 128-8; thence northeastwardly with said property line and continuing along the rear property line of parcel 1 map 128-8, parcels 3, 2 and 1 map 129-5 and parcel 1 map 129-1 to its intersection with the southwesterly property line of parcel 5 map 129-1; thence northwestwardly with said property line to its intersection with the southwesterly property line of parcel 59 map 129-1; thence northwestwardly and northeastwardly along the southwesterly property line of said parcel and continuing along the rear property lines of parcels 57, 6, 10, 11, 19 and 20 map 129-1 to the intersection of the property line of last said parcel with the southwesterly property line of parcel 58 map 115-13 thence northwestwardly with said property line and continuing with the southerly property line of parcel 59 map 115-13 to its intersection with the southerly property line of parcel 55 map 129-1; thence westwardly with said property line and said property line extended to its intersection with the southeast corner of parcel 3 map 114-16; thence westwardly with the southerly property line of said parcel to its intersection with the westerly property line of said parcel; thence northwardly with said property line and continuing with the westerly property line of parcel 2 map 114-16 to its intersection with the northerly property line of parcel 1 map 114-16; thence eastwardly with said property line and continuing with the rear property lines of parcels 16 and 17 map 115-113 to its intersection with the northwesterly property line of parcel 18 map 115-13; thence northeastwardly with said property line and con-

tinuing with the rear property lines of parcels 19, 20, 21, 22, 23, 24, 25, 26 and 27 map 115-13 and the westerly property line extended of the last said parcel to its intersection with the southwest corner of parcel 28 map 115-13; thence northwardly with the westerly property line of said parcel to its intersection with the westerly property line of parcel 29 map 115-13; thence northwardly with said property line and said property line extended to its intersection with the southwest corner of parcel 48 map 115-9; thence northwardly with the westerly property line of said parcel and continuing with the rear property lines of parcels 49, 50, 51, 17, 16, 15, 14 and 8 map 115-9 and the rear property line extended of last said parcel to its intersection with the southwest corner of parcel 1 map 115-9; thence northwardly with the westerly property lines of said parcel and continuing along the rear property lines of parcels 50, 49, 48, 47, 46, 45, 44, 43, 42, 41 and 37 map 115-5 and parcels 62, 61, and 60 map 115-1 to the intersection of last said property line with the westerly property line of parcel 59 map 115-1; thence northwardly with said property line and said property line extended to the centerline of Interstate 40; thence southwestwardly with said centerline to its intersection with the southerly property line extended of parcel 123 map 114; thence westwardly with said property line extended and said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line and continuing with the rear property lines of parcels 122, 121 and 120 map 114 to its intersection with the southerly property line of parcel 119 map 114; thence westwardly with said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line and continuing with the rear property line of parcel 118 map 114 to its intersection with the westerly property line of parcel 117 map 114; thence northwardly, northeastwardly and northwardly with said property line and said property line extended to its intersection with the centerline of Charlotte Pike; thence northeastwardly with said centerline to its intersection with the centerline of Old Hickory Boulevard; thence northwardly with said centerline to its intersection with the northerly property line extended of parcel 141 map 114; thence eastwardly with said property line extended and said property line to its intersection with the northwesterly property line of parcel 140 map 114; thence northeastwardly with said property line to its intersection with the northwesterly property line of parcel 139 map 114; thence northeastwardly with said property line to its intersection with the southerly property line of parcel 138 map 114; thence westwardly, northwardly and eastwardly with the rear property line of said parcel to its intersection with the westerly property line of parcel 137 map 114; thence northeastwardly with said property line and said

property line extended to its intersection with the centerline of Old Charlotte Pike; thence southeastwardly with said centerline to its intersection with the centerline of Charlotte Pike; thence northeastwardly with said centerline to its intersection with the centerline of Old Charlotte Pike; thence northeastwardly with said centerline to its intersection with the northwesterly property line extended of parcel 1 map 115; thence northeastwardly with said property line to its intersection with the northerly property line of said parcel; thence eastwardly with said property line and continuing with the rear property lines of parcels 2, 3, 4 and 7 map 115 and the rear property line extended of last said parcel to its intersection with the centerline of Charlotte Pike; thence northeastwardly with said centerline to its intersection with the southerly property line extended of parcel 46 map 102; thence westwardly with said property line extended and said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line to its intersection with the southerly property line of parcel 45 map 102; thence westwardly with said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line to its intersection with the westerly property line of parcel 44 map 102; thence northwardly with said property line to its intersection with the westerly property line of parcel 43 map 102; thence northwardly with said property line to its intersection with the southerly property line of parcel 42 map 102; thence westwardly with said property line to its intersection with the westerly property line of said parcel; thence northwardly with said property line and said property line extended to its intersection with the centerline of River Road; thence eastwardly with said centerline to its intersection with the westerly property line extended of parcel map 102; thence northwardly with said property line extended and said property line to its intersection with the northerly property line of said parcel; thence southeastwardly with said property line to the northerly property line of parcel 14 map 102; thence southeastwardly with said property line to its intersection with the southeasterly property line of said parcel; thence southwestwardly with said property line and said property line extended to the centerline of River Road; thence eastwardly with said centerline to its intersection with the centerline of Charlotte Pike; thence northeastwardly with said centerline to its intersection with the existing Urban Services District boundary line; thence in a northeastwardly and southeastwardly direction with said boundary line to the point of beginning. Parcel numbers refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on June 18, 1976. (Bill 76-238, § 1, 11-22-76)

The present boundaries of the Urban Services Districts [shall] be extended so as to embrace and include the hereinafter described property:

Those lots and lands lying within the bounds of the Cedarwood Estates Subdivision, all of which is more particularly described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein. (Bill No. 76-379, § 1, 1-18-77)

The present boundaries of the Urban Services District [shall] be extended as to embrace and include the hereinafter described property:

Beginning at a point on the present Urban Services District line, said point being the intersection of the centerline of Greens Lane with the westerly property line extended of parcel 316 map 49; thence northwardly with said line extended and said line to its intersection with southerly property line of said parcel, said point also being the northeasterly property corner of parcel 155 map 49; thence westwardly along the southerly property line of parcel 316 map 49 and continuing along the rear property lines of parcels 50 and 51 map 49-15 and 154 map 49 to a point, said point being the intersection of the southerly property line and the easterly property line of a portion of parcel 154 map 49, and also being the northwesterly corner of parcel 166 map 49; thence southwardly with the easterly property line of parcel 154 map 49 and said line extended to the centerline of Green Lane; thence westwardly with the centerline of Green Lane to its intersection with the centerline extended of Whites Creek Pike; thence northwestwardly with said centerline to its intersection with the northwesterly property line extended of parcel 154 map 49; thence northeastwardly with said line extended and said line to a point, said point being the intersection of the northwesterly property line of parcel 154 map 49 with the southwesterly property line of said parcel; thence northwestwardly with said line to a point, said point being the intersection of the southwesterly property line of parcel 154 map 49 with the southeasterly property line of said parcel, said point also being the northernmost corner of parcel 177 map 49; thence southwestwardly along the southeasterly property line of parcel 154 map 49 and with said line extended to its intersection with the centerline of Whites Creek Pike; thence northwestwardly with said centerline to its intersection with the northwesterly property line extended of parcel 154 map 49, thence northeastwardly with said line extended and said line to a point, said point being the intersection of the northwesterly property line of parcel 154 map 49 with the southwesterly property line of said parcel; thence northwestwardly with said line to a point, said point being the intersection of the southwesterly property line of parcel 154 map 49 with the northerly property line of said

parcel; thence eastwardly with said line to a point, said point being the intersection of the northerly property line of parcel 154 map 49 with the easterly property line of said parcel; thence southwardly with said line and continuing along the easterly property line of parcel 274 map 49 to a point, said point being the intersection of the easterly property line of parcel 274 map 49 with the southerly property line of said parcel; thence westwardly with said line to a point, said point being the intersection of the southerly property line of parcel 274 map 49 and the easterly property line of parcel 86 map 49-15; thence southwardly with said line and said line extended to the centerline of Green Lane; thence westwardly with the centerline of Green Lane to the point of beginning. Parcel numbers refer to parcels as shown on the Property Map and Records System of Davidson County, Tennessee, on December 1, 1986. (Bill No. 86-1565, § 1, 2-3-87)

The present boundaries of the Urban Services District shall be and hereby are extended to embrace and include the hereinafter described property:

Area One—Priest Point. Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the centerline of Interstate 40 with the centerline of Stewart's Ferry Pike; thence southwardly with the centerline of Stewart's Ferry Pike to its intersection with the southerly property line extended of parcel 130 map 97; thence westwardly with said property line extended and said property line to its intersection with the southeasterly edge of the right-of-way of Blackwood Drive; thence northwestwardly along a line projected across the right-of-way of Blackwood Drive to the intersection of the northwesterly edge of the right-of-way with the southerly property line of parcel 35 map 97; thence westwardly with the said property line and continuing along the southerly property line of parcel 124 map 96-16 and said property line extended to its intersection with the existing Urban Services District boundary, said intersection being the point where the southerly property line extended of parcel 58 map 96-16 with the centerline of Fitzpatrick Road; thence northwardly with the existing Urban Services District boundary along the said centerline to its intersection with the centerline of Interstate 40; thence eastwardly along the said centerline with the existing Urban Services District boundary to the point of beginning. (Ord. 88-555, § 1 (part), 12-19-88)

Area Two—Airport—Edge-O-Lake—Antioch. Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the centerline of Interstate 40 with the centerline of Elm Hill Pike; thence eastwardly with the centerline of Elm Hill Pike to its intersection with the easterly property line extended of parcel 4 map 121; thence southwardly with the said prop-

erty line extended and the said property line extended to its intersection with the centerline of Couchville Pike; thence eastwardly with said centerline and said centerline extended to its intersection with the shoreline of Percy Priest Reservoir; thence generally southwardly and eastwardly with said shoreline to its intersection with the easterly property line extended of parcel 22 map 151; thence southwardly along said property line extended and said property line and continuing along the easterly property line of parcel 20 map 151 to its intersection with the southeasterly property line of said parcel; thence southwestwardly along said property line to its intersection with the southerly property line of said property; thence westwardly along said property line to its intersection with the easterly property line of parcel 18 map 151; thence southwardly along said property line to its intersection with the southeasterly property line of said parcel; thence southwestwardly along said property line to its intersection with the southwesterly property line of said parcel; thence northwestwardly along said property line to its intersection with the easterly property line of parcel 212 map 150; thence southwardly along said property line to its intersection with the southerly property line of said parcel; thence westwardly along said property line to its intersection with the easterly property line of parcel 171 map 150; thence southwardly along said property line and continuing along the easterly property line of parcel 149 map 150 to its intersection with the southerly property line of the last said parcel; thence westwardly along said property line and continuing along the southerly property line of parcel 176 map 150 to its intersection with the westerly property line of said parcel; thence northwardly along said property line to its intersection with the southerly property line of parcel 147 map 150; thence westwardly along said property line to its intersection with the easterly property line of parcel 186 map 150; thence southwardly along said property line and continuing along the easterly property line of parcel 144 map 150 to its intersection with the southerly property line of said parcel; thence westwardly along said property line to its intersection with the easterly property line of parcel 142 map 150; thence southwardly along said property line and continuing along the easterly property line of parcel 190 map 150 to its intersection with the southeasterly property line of said parcel; thence southwestwardly and southwardly along said property line and said property line extended to its intersection with the centerline of Hamilton Church Road; thence westwardly along said centerline to its intersection with the easterly property line extended of parcel 195 map 164; thence southwardly along said property line to its intersection with the southerly property line of said parcel; thence westwardly along said property line to its intersection with the easterly property

line of parcel 196 map 164; thence southwardly along said property line to its intersection with the southerly property line of said parcel; thence westwardly along said property line to its intersection with the southeasterly property line of parcel 69 map 164; thence southwestwardly along said property line and continuing along the southeasterly property lines of parcels 73 and 235 map 164 and the southeasterly property line of the last said parcel to its intersection with the northeasterly edge of the right-of-way of Murfreesboro Pike; thence southwestwardly along a line projected across the right-of-way of Murfreesboro Pike to the intersection of the southwesterly edge of the right-of-way with the southeasterly property line of parcel 31 map 164; thence southwestwardly along said property line and said property line extended to its intersection with the centerline of Mt. View Circle; thence southwardly and westwardly along said centerline to its intersection with the easterly property line extended of parcel 24 map 164; thence southwardly along said property line and continuing along the easterly property lines of parcels 22, 177, 21, 20, 19, 18, 239, 17 and 14 map 164 and the easterly property line of parcel 1 map 175 to its intersection with the northeasterly edge of the right-of-way of the Louisville and Nashville Railroad Company; thence along a line projected across said right-of-way to the intersection of the southwesterly edge of said right-of-way with the easterly property line of parcel 29 map 174; thence southwardly along said property line to its intersection with the southerly property line of said parcel; thence westwardly along said property line to its intersection with the easterly property line of parcel 32 map 174; thence southwardly along said property line and continuing along the easterly property lines of parcels 68 and 67 and the last said property line extended to its intersection with the centerline of Interstate 24; thence northwestwardly along said centerline to its intersection with the existing Urban Services District boundary; thence generally northwardly along the said Urban Services District boundary to the point of beginning. (Ord. 89-720 § 1, 4-20-89; Ord. 88-555 § 1 (part), 12-19-88)

Area Three—Blue Hole Road. Beginning at a point on the existing Urban Services District boundary, said point being the northeasterly corner of condominium map 173-4-A; thence southwardly along the easterly line of said condominium map to its intersection with the southerly line of said condominium map; thence westwardly along said southerly line across the right-of-way of Blue Hole Road to its intersection with the westerly property line of parcel 47 map 173; thence southwardly along said property line to its intersection with the southerly property line of said parcel; thence eastwardly along said property line and said property line extended to its intersection with the

centerline of Blue Hole Road; thence southeastwardly along said centerline to its intersection with the northwesterly property line extended of parcel 46 map 173; thence southwestwardly along said property line to its intersection with the southerly property line of parcel 165 map 173; thence westwardly along said property line to its intersection with the westerly property line of said parcel; thence northwardly along said property line and continuing along the westerly property line of condominium map 173-4-A to its intersection with the existing Urban Services District boundary; thence eastwardly along the existing Urban Services District boundary to the point of beginning. All parcel and map numbers used in the descriptions of Areas One, Two and Three refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on September 27, 1988. All property included in Areas One, Two and Three is shown on the attached map, which is hereby referenced and made a part hereof.* (Ord. 88-555 § 1 (part), 12-9-88)

* **Editor's Note**—The above-mentioned map is not set out in this code but is on file in the office of the metropolitan clerk.

The boundaries of the Urban Services District shall be and hereby are extended to embrace and include the hereinafter described property:

Area One—Braewood. Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the centerline of the Cumberland River with the northeasterly property line extended of parcel 164 map 52-9; thence eastwardly with the centerline of the Cumberland River to its intersection with the westerly property line extended of parcel 10 map 52; thence southwardly with said property line extended and said property line to its intersection with the existing Urban Services District boundary, said intersection being the intersection of said westerly property line with the westerly property line of parcel 72 map 62; thence southwardly, westwardly and generally northwestwardly with the existing Urban Services District boundary to the point of beginning.

Area Two—St. Mary's Medical Center. Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the centerline of Barton Lane with the westerly property line extended of parcel 145 map 62; thence northwardly, eastwardly and northwardly with said property line extended and property line to its intersection with the northerly property line of said parcel; thence eastwardly along said property line to its intersection with the westerly property line of parcel 139 map 62; thence northwardly along said property line to its intersection with the northerly property line of said parcel; thence southwardly, westwardly and southwardly with said

property line to its intersection with the existing Urban Services District boundary, said intersection also being the intersection of said easterly property line with the northerly property line of parcel 41.1 map 62; thence generally westwardly with the existing Urban Services District boundary to the point of beginning.

Area Three—Western Hills Drive. Beginning at a point on the existing Urban Services District boundary, said point being the intersection of the northerly property line of parcel 42 map 62 with the southwesterly property line of parcel 2 map 62-7; thence northwestwardly with said property line to its intersection with the northwesterly property line of said parcel; thence northeastwardly with said property line and said property line extended to its intersection with the northeasterly margin of the right-of-way of Western Hills Drive; thence southeastwardly with said margin to its intersection with the northwesterly property line of parcel 3 map 62-7; thence northeastwardly with said property line to its intersection with the northeasterly property line of said parcel; thence southeastwardly with said property line to its intersection with the existing Urban Services District boundary, said intersection also being the intersection of said northeasterly property line with the northwesterly property line of parcel 4 map 62-7; thence southwestwardly, southeastwardly and westwardly with the existing Urban Services District boundary to the point of beginning. All parcel and map numbers used in the descriptions of Areas One, Two and Three refer to parcels as shown on the Metropolitan Planning Commission property map series 200 on December 6, 1988. All property included in Areas One, Two and Three is shown on the attached map, which is hereby referenced and made a part hereof.* (Ord. 89-715 § 1, 4-20-89)

* **Editor's Note**—The above-mentioned map is not set out in this code but is on file in the office of the metropolitan clerk.

The boundaries of the Urban Services District shall be and hereby are contracted so as to include in the General Services District the hereinafter described property:

Beginning at a point on the Urban Services District boundary, said point being the intersection of the shoreline of Cheek Lake with the westerly ordinary high-water line of the Cumberland River; thence in a southwardly direction with said ordinary high-water line to the intersection with the northerly property line extended of parcel 21 map 84; thence in an eastwardly direction with said property line extended to the easterly ordinary high-water line of the Cumberland River; thence northwardly with said ordinary high-water line to the intersection with the west right-of-way of Briley Parkway; thence northwardly with the west right-of-way of Briley Parkway to the southerly right-

of-way of McGavock Pike; thence westwardly with said southerly right-of-way to the intersection with the westerly property line of parcel 17 map 73; thence southwardly to the intersection with the south property line of parcel 134 map 62-13; thence westwardly with said property line to the intersection of the east ordinary high-water line; thence northwardly and northeastwardly with said line to the intersection with the existing Urban Services District boundary which is the westerly property line of parcel 10 map 52; thence northwardly, westwardly, southwestwardly and westwardly with said boundary to the point of beginning. All parcel and map numbers used in the descriptions refer to parcels as shown on the Metropolitan Planning Commission property map 10 to 400N scale official property line maps for Davidson County on October 6, 1993. (Ord. 93-846 § 1, 12-14-93)

* **Editor's Note**—Ord. 93-846 shall expire and have no further force and effect on December 31, 2003.

Appendix Two. Description of Thirty-Five Metropolitan Councilmanic Districts*

* **Editor's note**—The descriptions of the councilmanic districts given in this appendix were originally promulgated in Bill No. 81-701, § adopted Oct. 6, 1981. Descriptions of Districts 1—35 were entirely amended in the redistricting plan adopted by referendum vote on Sept. 5, 1991.

District 1.

Beginning at a point, said point being the intersection of the centerline of the Cumberland River, and the Cheatham-Davidson County Line, thence in a northeastwardly direction with the Cheatham-Davidson County Line to a point, said point being the intersection of the Robertson-Davidson County Line to a point, thence in an eastwardly direction with the Robertson-Davidson County Line to a point, said point being the intersection of the centerline of Browns Lake Road, thence in a southwardly direction with the centerline of Browns Lake Road to a point, said point being the intersection of the centerline of Ivey Point Road, thence in a southwardly direction with the centerline of Ivey Point Road to a point, said point being the intersection of the centerline of Union Hill Road, thence in a westwardly direction with the centerline of Union Hill Road to a point, said point being the intersection of the centerline of Crocker Springs Road, thence in a southwardly direction with the centerline of Crocker Springs Road to a point, said point being the intersection of the centerline of Lickton Pike, thence in a westwardly direction with the centerline of Lickton Pike to a point, said point being the intersection of the centerline of Inter-

state 24, thence in a southeastwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Little Creek, thence westwardly with the meandering of Little Creek to a point, said point being the intersection of the centerline of Knight Road, thence in a southeastwardly direction with the centerline of Knight Road to a point, said point being the intersection of the centerline of Whites Creek Pike, thence in a northwestwardly direction with the centerline of Whites Creek Pike to a point, said point being the intersection of the centerline of Ewing Creek, thence westwardly with the meandering of Ewing Creek to a point, said point being the intersection of the centerline of Kings Lane Extended, thence in a westwardly direction with the centerline of Kings Lane Extended and Kings Lane to a point, said point being the intersection of the centerline of Drakes Branch, thence southwardly with the meandering of Drakes Branch to a point, said point being the intersection of the centerline of the RR, thence in a southeastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of County Hospital Road, thence in a southwestwardly direction with the centerline of County Hospital Road to a point, said point being the intersection of the centerline of Hospital Lane, thence in a southwardly direction with the centerline of Hospital Lane to a point, said point being the intersection of the centerline of Dolan Drive, thence in an eastwardly direction with the centerline of Dolan Drive to a point, said point being the intersection of the centerline of an Unnamed Creek, thence southeastwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally westwardly direction with the centerline of the Cumberland River to the point of beginning.

District 2.

Beginning at a point, said point being the intersection of the centerline of Knight Road and the centerline of Ewing Drive, thence in an eastwardly direction with the centerline of Ewing Drive to a point, said point being the intersection of the centerline of Interstate 65, thence in a southwardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of West Trinity Lane, thence in an eastwardly direction with the centerline of West Trinity Lane to a point, said point being the intersection of the centerline of Dickerson Pike, thence in a southwardly direction with the centerline of Dickerson Pike to a point, said point being the intersection of the centerline of Douglas Avenue, thence in a westwardly direction with the centerline of Douglas Avenue to a point, said point being the intersection of the centerline of Interstate 65, thence in a south-

wardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of Interstate 265, thence in a westwardly direction with the centerline of Interstate 265 to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally westwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of an Unnamed Creek, thence northwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of Dolan Drive, thence in a westwardly direction with the centerline of Dolan Drive to a point, said point being the intersection of the centerline of Hospital Lane, thence in a northwardly direction with the centerline of Hospital Lane to a point, said point being the intersection of the centerline of County Hospital Road, thence in an eastwardly direction with the centerline of County Hospital Road to a point, said point being the intersection of the centerline of the RR, thence in a northwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Drakes Branch, thence northeastwardly with the meandering of Drakes Branch to a point, said point being the intersection of the centerline of Kings Lane, thence in an eastwardly direction with the centerline of Kings Lane Extended to a point, said point being the intersection of the centerline of Ewing Creek, thence northwardly with the meandering of Ewing Creek to a point, said point being the intersection of the centerline of Whites Creek Pike, thence in a southwardly direction with the centerline of Whites Creek Pike to a point, said point being the intersection of the centerline of Knight Road, thence in a northwardly direction with the centerline of Knight Road to the point of beginning.

District 3.

Beginning at a point, said point being the intersection of the centerline of Interstate 24 and the centerline of Old Hickory Boulevard, thence in an eastwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Dalemere Drive, thence in an eastwardly direction with the centerline of Dalemere Drive to a point, said point being the intersection of the centerline of Hunters Lane, thence in a southeastwardly direction with the centerline of Hunters Lane to a point, said point being the intersection of the centerline of Dickerson Pike, thence in a northeastwardly direction with the centerline of Dickerson Pike to a point, said point being the intersection of the Goodlettsville Corporate Limit, thence in a northeastwardly direction with the Goodlettsville Corporate Limit to a point, said point being the intersection of the centerline of Dry Creek, thence eastwardly with the meandering of Dry Creek to a point,

said point being the intersection of the centerline of the RR east of Gallatin Pike, thence in a southwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a southwardly direction with the centerline of Gallatin Pike to a point, said point being the intersection of Walton Lane, thence in a westwardly direction with the centerline of Walton Lane and Walton Lane Extended to a point, said point being the intersection of the centerline of Ellington Parkway, thence in a northwardly direction with the centerline of Ellington Parkway to a point, said point being the intersection of the centerline of Briarville Road, thence in a northwardly direction with the centerline of Briarville Road to a point said point being the intersection of the centerline of Due West Avenue, thence in a westwardly direction with the centerline of Due West Avenue to a point, said point being the intersection of the centerline of Old Due West Avenue, thence in a westwardly direction with the centerline of Old Due West Avenue to a point, said point being the intersection of the centerline of Dickerson Pike, thence in a northwardly direction with the centerline of Dickerson Pike to a point, said point being the intersection of the centerline of Bellshire Drive, thence in a westwardly direction with the centerline of Bellshire Drive to a point, said point being the intersection of the centerline of Brick Church Pike, thence in a southwardly direction with the centerline of Brick Church Pike to a point, said point being the intersection of the centerline of Ewing Drive, thence in a westwardly direction with the centerline of Ewing Drive to a point, said point being the intersection of the centerline of Knight Drive, thence in a northwestwardly direction with the centerline of Knight Drive to a point, said point being the intersection of the centerline of Little Creek, thence northeastwardly with the meandering of Little Creek to a point, said point being the intersection of the centerline of Interstate 24, thence in a northwardly direction with the centerline of Interstate 24 to the point of beginning.

District 4.

Beginning at a point, said point being the intersection of the centerline of Brick Church Pike and the centerline of Bellshire Drive, thence in an eastwardly direction with the centerline of Bellshire Drive to a point, said point being the intersection of the centerline of Dickerson Pike, thence in a southwardly direction with the centerline of Dickerson Pike to a point, said point being the intersection of the centerline of Old Due West Avenue, thence in an eastwardly direction with the centerline of Old Due West Avenue to a point, said point being the intersection of the centerline of Due West Avenue, thence in an eastwardly direction with the centerline of Due West Avenue to a

point, said point being the intersection of the centerline of Briarville Road, thence in a southwardly direction with the centerline of Briarville Road to a point, said point being the intersection of the centerline of Ellington Parkway, thence in an eastwardly direction with the centerline of Ellington Parkway to a point, said point being the intersection of the centerline of Walton Lane Extended, thence in an eastwardly direction with the centerline of Walton Lane Extended and Walton Lane to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of East Trinity Lane, thence in a westwardly direction with the centerline of East Trinity Lane to the centerline of West Trinity Lane to a point, said point being the intersection of the centerline of Interstate 65, thence in a northwardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of Ewing Drive, thence in a westwardly direction with the centerline of Ewing Drive to a point, said point being the intersection of the centerline of Brick Church Pike, thence in a northwardly direction with the centerline of Brick Church Pike to the point of beginning.

District 5.

Beginning at a point, said point being the intersection of the centerline of Dickerson Pike and the centerline of East Trinity Lane, thence in an eastwardly direction with the centerline of East Trinity Lane to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Douglas Avenue, thence in an eastwardly direction with the centerline of Douglas Avenue to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a southwardly direction with the centerline of Gallatin Pike to a point, said point being the intersection of the centerline of Main Street, thence in a southwestwardly direction with the centerline of Main Street to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally northwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of Interstate 265, thence in an eastwardly direction with the centerline of Interstate 265 to a point, said point being the intersection of the centerline of Interstate 65, thence in a northwardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of Douglas Avenue, thence in an eastwardly direction with the centerline of Douglas Avenue to a point, said point being the intersection of the centerline of Dickerson

Pike, thence in a northwardly direction with the centerline of Dickerson Pike to the point of beginning.

District 6.

Beginning at a point, said point being the intersection of the centerline of Gallatin Pike and the centerline of Douglas Avenue, thence in an eastwardly direction with the centerline of Douglas Avenue to a point, said point being the intersection of the centerline of Scott Avenue, thence in a southwardly direction with the centerline of Scott Avenue to a point, said point being the intersection of the centerline of Eastland Avenue, thence in an eastwardly direction with the centerline of Eastland Avenue to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of the Cumberland River, thence in a westwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of Main Street, thence in a northeastwardly direction with the centerline of Main Street to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a northwardly direction with the centerline of Gallatin Pike to the point of beginning.

District 7.

Beginning at a point, said point being the intersection of the centerline of the RR and the centerline of Maynor Avenue Extended, thence in an eastwardly direction with the centerline of Maynor Avenue to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a southwardly direction with the centerline of Gallatin Pike to a point, said point being the intersection of the centerline of McGavock Pike, thence in an eastwardly direction with the centerline of McGavock Pike to a point, said point being the intersection of the centerline of Oakhurst Drive, thence in an eastwardly direction with the centerline of Oakhurst Drive to a point, said point being the intersection of the centerline of Branch Street, thence in a southwardly direction with the centerline of Branch Street to a point, said point being the intersection of the centerline of Evelyn Avenue, thence in an eastwardly direction with the centerline of Evelyn Avenue to a point, said point being the intersection of the centerline of Riverside Drive, thence in a southwardly direction with the centerline of Riverside Drive to a point, said point being the intersection of the centerline of Piedmont Avenue, thence in an eastwardly direction with the centerline of Piedmont Avenue to a point, said point being the intersection of the centerline of Stratford Avenue, thence in a southwardly direction with the centerline of Stratford Avenue to a point, said point being the intersection of the centerline of

Pinehurst Drive, thence in an eastwardly direction with the centerline of Pinehurst Drive to a point, said point being the intersection of the centerline of Coopers Creek, thence eastwardly with the meandering of Coopers Creek to a point, said point being the intersection of the centerline of the Cumberland River, thence in a southeastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of the RR, thence in a northwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Eastland Avenue, thence in a westwardly direction with the centerline of Eastland Avenue to a point, said point being the intersection of the centerline of Scott Avenue, thence in a northwardly direction with the centerline of Scott Avenue to a point, said point being the intersection of the centerline of Douglas Avenue, thence in a westwardly direction with the centerline of Douglas Avenue to a point, said point being the intersection of the centerline of the RR, thence in a northeastwardly direction with the centerline of the RR to the point of beginning.

District 8.

Beginning at a point, said point being the intersection of the centerline of Gallatin Pike and the centerline of Emmitt Avenue, thence in a southeastwardly direction with the centerline of Emmitt Avenue to a point, said point being the intersection of the centerline of Denson Avenue, thence in a northwardly direction with the centerline of Denson Avenue to a point, said point being the intersection of the centerline of Madison Boulevard, thence in a westwardly direction with the centerline of Madison Boulevard to a point, said point being the intersection of the centerline of Oakdell Avenue, thence in a northwardly direction with the centerline of Oakdell Avenue to a point, said point being the intersection of the centerline of Neeleys Bend Road, thence in an eastwardly direction with the centerline of Neeleys Bend Road to a point, said point being the intersection of the centerline of the TVA Transmission Line ROW, thence in a southwardly direction with the centerline of the TVA Transmission Line ROW to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally southwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of Coopers Creek, thence westwardly with the meandering of Coopers Creek to a point, said point being the intersection of the centerline of Pinehurst Drive, thence in a westwardly direction with the centerline of Pinehurst Drive to a point, said point being the intersection of the centerline of Stratford Avenue, thence in a northwardly direction with the centerline of Stratford Avenue to a point, said point

being the intersection of the centerline of Piedmont Avenue, thence in a westwardly direction with the centerline of Piedmont Avenue to a point, said point being the intersection of the centerline of Riverside Drive, thence in a northwardly direction with the centerline of Riverside Drive to a point, said point being the intersection of the centerline of Evelyn Avenue, thence in a southwestwardly direction with the centerline of Evelyn Avenue to a point, said point being the intersection of the centerline of Branch Street, thence in a northwardly direction with the centerline of Branch Street to a point, said point being the intersection of the centerline of Oak Hurst, thence in a westwardly direction with the centerline of Oak Hurst to a point, said point being the intersection of the centerline of McGavock Pike, thence in a westwardly direction with the centerline of McGavock Pike to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a northwardly direction with the centerline of Gallatin Pike to a point, said point being the intersection of the centerline of Maynor Avenue, thence in a westwardly direction with the centerline of Maynor Avenue Extended to a point, said point being the intersection of the centerline of the RR, thence in a northwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Walton Lane, thence in an eastwardly direction with the centerline of Walton Lane to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a northwardly direction with the centerline of Gallatin Pike to the point of beginning.

District 9.

Beginning at a point, said point being the intersection of the centerline of Dry Creek and the centerline of the RR east of Gallatin Pike, thence in an eastwardly direction with the meandering of Dry Creek to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally southwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of the TVA Transmission Line ROW, thence in a northwardly direction with the centerline of the TVA Transmission Line ROW to a point, said point being the intersection of the centerline of Neeleys Bend Road, thence in a westwardly direction with the centerline of Neeleys Bend Road to a point, said point being the intersection of the centerline of Oakdell Avenue, thence in a southwardly direction with the centerline of Oakdell Avenue to a point, said point being the intersection of the centerline of Madison Boulevard, thence in an eastwardly direction with the centerline of Madison Boulevard to a point, said point being the intersection of the centerline of Denson Avenue, thence in a southwardly direction with the centerline of Denson Avenue to a point,

said point being the intersection of the centerline of Emmitt Avenue, thence in a westwardly direction with the centerline of Emmitt Avenue to a point, said point being the intersection of the centerline of Gallatin Pike, thence in a northwardly direction with the centerline of Gallatin Pike to a point, said point being the intersection of the centerline of the RR, thence in a northeastwardly direction with the centerline of the RR to the point of beginning.

District 10.

Beginning at a point, said point being the intersection of the centerline of Browns Lake Road and the Robertson-Davidson County Line, thence in a generally eastwardly direction with the Robertson-Davidson County Line to a point, said point being the intersection of the Robertson-Sumner-Davidson County Line, thence in a generally southwardly direction with the Sumner-Davidson County Line to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally southwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of Dry Creek, thence in a generally westwardly direction with the meandering of Dry Creek to a point, said point being the Goodlettsville Corporate Limit, thence in a northwestwardly direction with the Goodlettsville Corporate Limit to a point, said point being the intersection of the centerline of Dickerson Pike, thence in a southwestwardly direction with the centerline of Dickerson Pike to a point, said point being the intersection of the centerline of Hunters Lane, thence in a westwardly direction with the centerline of Hunters Lane to a point, said point being the intersection of the centerline of Dalemere Drive, thence in a westwardly direction with the centerline of Dalemere Drive to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a westwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Interstate 24, thence in a northwestwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Lickton Pike, thence in a northwardly direction with the centerline of Lickton Pike to a point, said point being the intersection of the centerline of Crocker Springs Road, thence in a northwestwardly direction with the centerline of Crocker Springs Road to a point, said point being the intersection of the centerline of Union Hill Road, thence in an eastwardly direction with the centerline of Union Hill Road to a point, said point being the intersection of the centerline of Ivey Point Road, thence in a northwardly direction with the centerline of Ivey Point Road to a point, said point being the intersection of the centerline of Browns Lake Road, thence in a northwardly

direction with the centerline of Browns Lake Road to the point of beginning.

District 11.

Beginning at a point, said point being the intersection of the centerline of Lebanon Pike and the centerline of Hermitage Road, thence in a northwardly direction with the centerline of Hermitage Road to a point, said point being the intersection of the centerline of Rachels Lane, thence in a westwardly direction with the centerline of Rachels Lane to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a northwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of an Unnamed Creek, thence westwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally northwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the Sumner-Davidson County Line, thence in a southwardly direction with the Sumner-Davidson County Line to a point, said point being the intersection of the Sumner-Wilson-Davidson County Line, thence in a southwardly direction with the Wilson-Davidson County Line to a point, said point being the intersection of the centerline of Chandler Road, thence in a westwardly direction with the centerline of Chandler Road to a point, said point being the intersection of the centerline of Tulip Grove Road, thence in a northwardly direction with the centerline of Tulip Grove Road to a point, said point being the intersection of the centerline of Stones Creek, thence westwardly with the meandering of Stones Creek to a point, said point being the intersection of the centerline of Scotts Creek, thence northwardly with the meandering of Scotts Creek to a point, said point being the intersection of the centerline of Trenton Drive, thence in a westwardly direction with the centerline of Trenton Drive to a point, said point being the intersection of the centerline of Concord Drive, thence in a southwardly direction with the centerline of Concord Drive to a point, said point being the intersection of the centerline of Atlanta Drive, thence in a northwestwardly direction with the centerline of Atlanta Drive to a point, said point being the intersection of the centerline of Baton Rouge Drive, thence in a southwardly direction with the centerline of Baton Rouge Drive to a point, said point being the intersection of the centerline of Highland View Drive, thence in a westwardly direction with the centerline of Highland View Drive to a point, said point being the intersection of the centerline of Lebanon Pike, thence in a southwestwardly direction with the centerline of Lebanon Pike to the point of beginning.

District 12.

Beginning at a point, said point being the intersection of the centerline of Hermitage Road and the centerline of Lebanon Pike, thence in a northeastwardly direction with the centerline of Lebanon Pike to a point, said point being the intersection of the centerline of Highland View Drive, thence in an eastwardly direction with the centerline of Highland View Drive to a point, said point being the intersection of the centerline of Baton Rouge Drive, thence in a northwardly direction with the centerline of Baton Rouge Drive to a point, said point being the intersection of the centerline of Atlanta Drive, thence in a southeastwardly direction with the centerline of Atlanta Drive to a point, said point being the intersection of the centerline of Concord Drive, thence in a northeastwardly direction with the centerline of Concord Drive to a point, said point being the intersection of the centerline of Trenton Drive, thence in an eastwardly direction with the centerline of Trenton Drive to a point, said point being the intersection of the centerline of Scotts Creek, thence southwardly with the meandering of Scotts Creek to a point, said point being the intersection of the centerline of Stones Creek, thence eastwardly with the meandering of Stones Creek to a point, said point being the intersection of the centerline of Tulip Grove Road, thence in a southwardly direction with the centerline of Tulip Grove Road to a point, said point being the intersection of the centerline of Chandler Road, thence in an eastwardly direction with the centerline of Chandler Road to a point, said point being the intersection of the Wilson-Davidson County Line, thence in a generally southwardly direction with the Wilson-Davidson County Line to a point, said point being the intersection of the Wilson-Rutherford-Davidson County Line, thence in a generally southwardly direction with the Rutherford-Davidson County Line to a point, said point being the western shore of J. Percy Priest Reservoir, thence in a generally northwardly direction with the western shore of J. Percy Priest Reservoir to a point, said point being the intersection of the centerline of the Stones River, thence in a northwardly direction with the centerline of the Stones River to a point, said point being the intersection of the centerline of Lebanon Pike, thence in a northeastwardly direction with the centerline of Lebanon Pike to the point of beginning.

District 13.

Beginning at a point, said point being the intersection of the centerline of Murfreesboro Pike and the centerline of Interstate 24, thence in a northwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Interstate 24 Ramp, thence in an eastwardly direction with the centerline of Interstate

24 Ramp to a point, said point being the intersection of the centerline of Interstate 40, thence in an eastwardly direction with the centerline of Interstate 40 to a point, said point being the intersection of the centerline of Elm Hill Pike, thence in a southeastwardly direction with the centerline of Elm Hill Pike to a point, said point being the intersection of the centerline of White Pine Drive, thence in a northeastwardly direction with the centerline of White Pine Drive to a point, said point being the intersection of the centerline of Elm Hill Pike, thence in an eastwardly direction with the centerline of Elm Hill Pike to a point, said point being the intersection of the centerline of Wemberton Drive, thence in a northwardly direction with the centerline of Wemberton Drive to a point, said point being the intersection of the centerline of Norwalk Drive, thence in an eastwardly direction with the centerline of Norwalk Drive to a point, said point being the intersection of the centerline of Blackwood Drive, thence in a northeastwardly direction with the centerline of Blackwood Drive to a point, said point being the intersection of the centerline of Pleasant Hill Road, thence in a southwardly direction with the centerline of Pleasant Hill Road to a point, said point being the intersection of the centerline of Bell Road, thence in an eastwardly direction with the centerline of Bell Road to a point, said point being the intersection of the western shoreline of J. Percy Priest Reservoir, thence in a generally southwardly direction with the shoreline of J. Percy Priest Reservoir to a point, said point being the intersection of the centerline of the East Fork of Hamilton Creek, thence southwardly with the meandering of the East Fork of Hamilton Creek to a point, said point being the intersection of the centerline of Smith Springs Road, thence in a westwardly direction with the centerline of Smith Springs Road to a point, said point being the intersection of the centerline of Old Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Old Murfreesboro Pike to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of McGavock Pike, thence in a southwestwardly direction with the centerline of McGavock Pike to a point, said point being the intersection of the centerline of Currey Road, thence in a westwardly direction with the centerline of Currey Road to a point, said point being the intersection of the centerline of the RR Spur, thence in a southwestwardly direction with the centerline of the RR Spur to a point, said point being the intersection of the centerline of the RR, thence in a northwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Thompson Lane, thence in a northwardly direction with the centerline of

Thompson Lane to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Foothill Drive, thence in a southwestwardly direction with the centerline of Foothill Drive to a point, said point being the intersection of the centerline of Giant Oak Drive, thence in a northwestwardly direction with the centerline of Giant Oak Drive to a point, said point being the intersection of the centerline of Plus Park Boulevard, thence in a northwardly direction with the centerline of Plus Park Boulevard to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Murfreesboro Pike to the point of beginning.

District 14.

Beginning at a point, said point being the intersection of the centerline of Interstate 40 and the centerline of Donelson Pike, thence in a northwardly direction with the centerline of Donelson Pike to a point, said point being the intersection of the centerline of Lebanon Pike, thence in a westwardly direction with the centerline of Lebanon Pike to a point, said point being the intersection of the centerline of Old Lebanon Road, thence in a westwardly direction with the centerline of Old Lebanon Road to a point, said point being the intersection of the centerline of Benson Road, thence in an eastwardly direction with the centerline of Benson Road to a point, said point being the intersection of the fence line at the southern bend of the Stones River, thence in a northwardly direction with the fence line to a point, said point being the intersection of the centerline of the Stones River, thence in a northwardly direction with the centerline of the Stones River to a point, said point being the intersection of the centerline of the Cumberland River, thence in a northeastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of an Unnamed Creek, thence eastwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a southwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Rachels Lane, thence in an eastwardly direction with the centerline of Rachels Lane to a point, said point being the intersection of the centerline of Hermitage Road, thence in a southwardly direction with the centerline of Hermitage Road to a point, said point being the intersection of the centerline of Lebanon Pike, thence in a southwestwardly direction with the centerline of Lebanon Pike to a point, said point being the intersection of the centerline of the Stones River, thence in a

southwardly direction with the centerline of the Stones River to a point, said point being the intersection of the centerline of Bell Road, thence in a southwestwardly direction with the centerline of Bell Road to a point, said point being the intersection of the centerline of Pleasant Hill Road, thence in a northwardly direction with the centerline of Pleasant Hill Road to a point, said point being the intersection of the centerline of Blackwood Drive, thence in a westwardly direction with the centerline of Blackwood Drive to a point, said point being the intersection of the centerline of Norwalk Drive, thence in a southwardly direction with the centerline of Norwalk Drive to a point, said point being the intersection of the centerline of Wemberton Drive, thence in a southwardly direction with the centerline of Wemberton Drive to a point, said point being the intersection of the centerline of Elm Hill Pike, thence in a westwardly direction with the centerline of Elm Hill Pike to a point, said point being the intersection of the centerline of White Pine Drive, thence in a southwardly direction with the centerline of White Pine Drive to a point, said point being the intersection of the centerline of Elm Hill Pike, thence in a northwestwardly direction with the centerline of Elm Hill Pike to a point, said point being the intersection of the centerline of Interstate 40, thence in a westwardly direction with the centerline of Interstate 40 to the point of beginning.

District 15.

Beginning at a point, said point being the intersection of the centerline of Murfreesboro Pike and the centerline of Fessler's Lane, thence in a northwardly direction with the centerline of Fessler's Lane to a point, said point being the intersection of the centerline of Interstate 24, thence in a northwestwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of the Cumberland River, thence in a generally eastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of the Stones River, thence in a southwardly direction with the centerline of the Stones River to a point, said point being the intersection of the fence line at the southern bend of the Stones River, thence in a southwardly direction with the fence line to a point, said point being the intersection of the centerline of Benson Road, thence in a westwardly direction with the centerline of Benson Road to a point, said point being the intersection of the centerline of Old Lebanon Road, thence in an eastwardly direction with the centerline of Old Lebanon Road to a point, said point being the intersection of the centerline of Lebanon Pike, thence in an eastwardly direction with the centerline of Lebanon Pike to a point, said point being the intersection of the centerline of Donelson Pike, thence in a

southwardly direction with the centerline of Donelson Pike to a point, said point being the intersection of the centerline of Interstate 40, thence in a westwardly direction with the centerline of Interstate 40 to a point, said point being the intersection of the centerline of Interstate 24 Ramp, thence in a westwardly direction with the centerline of the Interstate 24 Ramp to a point, said point being the intersection of the centerline of Interstate 24, thence in a southwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Murfreesboro Pike to the point of beginning.

District 16.

Beginning at a point, said point being the intersection of the centerline of Polk Avenue and the centerline of Murfreesboro Pike, thence a southeastwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Plus Park Boulevard, thence in a southwestwardly direction with the centerline of Plus Park Boulevard to a point, said point being the intersection of the centerline of Giant Oak Drive, thence in a southeastwardly direction with the centerline of Giant Oak Drive to a point, said point being the intersection of the centerline of Foothill Drive, thence in a northeastwardly direction with the centerline of Foothill Drive to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a southeastwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Thompson Lane, thence in a southwestwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of the RR, thence in a southeastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Briley Parkway, thence in a westwardly direction with the centerline of Briley Parkway to a point, said point being the intersection of the centerline of Thompson Lane, thence in a westwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of Wingate Avenue, thence in a southwardly direction with the centerline of Wingate Avenue to a point, said point being the intersection of the centerline of Antioch Pike, thence in an eastwardly direction with the centerline of Antioch Pike to a point, said point being the intersection of the centerline of Dumas Drive, thence in a southwardly direction with the centerline of Dumas Drive to a point, said point being the intersection of the centerline of McCall Street, thence in an eastwardly direction with the centerline of McCall Street to a point, said point being the intersection of the center-

line of Antioch Pike, thence in an eastwardly direction with the centerline of Antioch Pike to a point, said point being the intersection of the centerline of Seven Mile Creek, thence southwestwardly with the meandering of Seven Mile Creek to a point, said point being the intersection of the centerline of the RR, thence in an eastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a northwestwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Allied Drive, thence in a westwardly direction with the centerline of Allied Drive to a point, said point being the intersection of the centerline of Trousdale Drive, thence in a southwardly direction with the centerline of Trousdale Drive to a point, said point being the intersection of the centerline of the RR, thence in a northwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Thompson Lane, thence in westwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of the Berry Hill Corporate Limit, thence in a northwardly direction with the Berry Hill Corporate Limit to a point, said point being the intersection of the centerline of Rosedale Avenue, thence in an westwardly direction with the centerline of Rosedale Avenue to a point, said point being the intersection of the centerline of the RR, thence in a northeastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a southeastwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Woodycrest Avenue, thence in an eastwardly direction with the centerline of Woodycrest Avenue to a point, said point being the intersection of the centerline of Hutton Drive, thence in an eastwardly direction with the centerline of Hutton Drive to a point, said point being the intersection of the centerline of Polk Avenue, thence in a northeastwardly direction with the centerline of Polk Avenue to the point of beginning.

District 17.

Beginning at a point, said point being the intersection of the centerline of Fifteenth Avenue South and the centerline of Edgehill Avenue, thence in an eastwardly direction with the centerline of Edgehill Avenue to a point, said point being the intersection of the centerline of Chestnut Street, thence in an eastwardly direction with the centerline of Chestnut Street to a point, said point being the intersection of the centerline of Eighth Avenue South, thence in a southwardly direction with the centerline of Eighth Avenue South to a point, said point being the intersection of the centerline of Hamilton Avenue, thence in an east-

wardly direction with the centerline of Hamilton Avenue to a point, said point being the intersection of the centerline of Hagan Street, thence in a southwardly direction with the centerline of Hagan Street to a point, said point being the intersection of the centerline of Moore Avenue, thence in an eastwardly direction with the centerline of Moore Avenue to a point, said point being the intersection of the centerline of Martin Street, thence in a southwardly direction with the centerline of Martin Street to a point, said point being the intersection of the centerline of Southgate Avenue, thence in an eastwardly direction with the centerline of Southgate Avenue to a point, said point being the intersection of the centerline of Rains Avenue, thence in a northwardly direction with the centerline of Rains Avenue to a point, said point being the intersection of the centerline of Wingrove Street, thence in an eastwardly direction with the centerline of Wingrove Street to a point, said point being the intersection of the centerline of Fourth Avenue South, thence in a southeastwardly direction with the centerline of Fourth Avenue South to a point, said point being the intersection of the centerline of the RR, thence in a southwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Rosedale Avenue, thence in an eastwardly direction with the centerline of Rosedale Avenue to a point, said point being the intersection of the Berry Hill Corporate Limit, thence in a southwardly direction with the Berry Hill Corporate Limit to a point, said point being the intersection of the centerline of Thompson Lane, thence in a westwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of Woodmont Boulevard, thence in a westwardly direction with the centerline of Woodmont Boulevard to a point, said point being the intersection of the centerline of Belmont Boulevard, thence in a northwardly direction with the centerline of Belmont Boulevard to a point, said point being the intersection of the centerline of Linden Avenue, thence in an eastwardly direction with the centerline of Linden Avenue to a point, said point being the intersection of the centerline of Fifteenth Avenue South, thence in a northwardly direction with the centerline of Fifteenth Avenue South to the point of beginning.

District 18.

Beginning at a point, said point being the intersection of the centerline of Interstate 440 and the centerline of West End Avenue, thence in a northeastwardly direction with the centerline of West End Avenue to a point, said point being the intersection of the centerline of Twenty-First Avenue South, thence in a southwardly direction with the centerline of Twenty-First Avenue South to a point, said point being the intersection of the centerline of Edge-

hill Avenue, thence in an eastwardly direction with the centerline of Edgemoor Avenue to a point, said point being the intersection of the centerline of Fifteenth Avenue South, thence in a southwardly direction with the centerline of Fifteenth Avenue South to a point, said point being the intersection of the centerline of Linden Avenue, thence in a westwardly direction with the centerline of Linden Avenue to a point, said point being the intersection of the centerline of Belmont Boulevard, thence in a southwardly direction with the centerline of Belmont Boulevard to a point, said point being the intersection of the centerline of Sweetbriar Avenue, thence in a westwardly direction with the centerline of Sweetbriar Avenue to a point, said point being the intersection of the centerline of Twenty-First Avenue South, thence in a southwardly direction with the centerline of Twenty-First Avenue South to a point, said point being the intersection of the centerline of Woodlawn Drive, thence in a westwardly direction with the centerline of Woodlawn Drive to a point, said point being the intersection of the centerline of Interstate 440, thence in a northwestwardly direction with the centerline of Interstate 440 to the point of beginning.

District 19.

Beginning at a point, said point being the intersection of the centerline of Hermosa Street and the centerline of Twenty-Fourth Avenue North, thence in a northwardly direction with the centerline of Twenty-Fourth Avenue North to a point, said point being the intersection of the centerline of Meharry Boulevard, thence in an eastwardly direction with the centerline of Meharry Boulevard to a point, said point being the intersection of the centerline of the RR, thence in a northwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Interstate 440, thence in an eastwardly direction with the centerline of Interstate 440 to a point, said point being the intersection of the centerline of Eighteenth Avenue North, thence in a southwardly direction with the centerline of Eighteenth Avenue North to a point, said point being the intersection of the centerline of Jefferson Street, thence in an eastwardly direction with the centerline of Jefferson Street to a point, said point being the intersection of the centerline of Fourteenth Avenue North, thence in a southwardly direction with the centerline of Fourteenth Avenue North to a point, said point being the intersection of the centerline of the RR, thence in a southwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Sixteenth Avenue North, thence in a southwardly direction with the centerline of Sixteenth Avenue North to a point, said point being the intersection of the centerline of Jo Johnston Avenue, thence in a westwardly direction with

the centerline of Jo Johnston Avenue to a point, said point being the intersection of the centerline of Sixteenth Avenue North, thence in a southwardly direction with the centerline of Sixteenth Avenue North to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a northeastwardly direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Third Avenue North, thence in a northwardly direction with the centerline of Third Avenue North to a point, said point being the intersection of the centerline of James Robertson Parkway, thence in an eastwardly direction with the centerline of James Robertson Parkway to a point, said point being the intersection of the centerline of the Cumberland River, thence in a southeastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of Interstate 24, thence in a southeastwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Fesslers Lane, thence in a southwardly direction with the centerline of Fesslers Lane to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a southeastwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Polk Avenue, thence in a southwardly direction with the centerline of Polk Avenue to a point, said point being the intersection of the centerline of Hutton Drive, thence in a northwestwardly direction with the centerline of Hutton Drive to a point, said point being the intersection of the centerline of Woodycrest Avenue, thence in a westwardly direction with the centerline of Woodycrest Avenue to a point, said point being the intersection of the centerline of Fourth Avenue South, thence in a northwestwardly direction with the centerline of Fourth Avenue South to a point, said point being the intersection of the centerline of Wingrove Avenue, thence in a westwardly direction with the centerline of Wingrove Avenue to a point, said point being the intersection of the centerline of Rains Avenue, thence in a southwardly direction with the centerline of Rains Avenue to a point, said point being the intersection of the centerline of Southgate Avenue, thence in a westwardly direction with the centerline of Southgate Avenue to a point, said point being the intersection of the centerline of Martin Street, thence in a northwardly direction with the centerline of Martin Street to a point, said point being the intersection of the centerline of Moore Avenue, thence in a westwardly direction with the centerline of Moore Avenue to a point, said point being the intersection of the centerline of Hagan Street, thence in a northwardly direction with the centerline of Hagan Street to a point, said point being the intersection of the centerline of Hamilton Avenue, thence in a

westwardly direction with the centerline of Hamilton Avenue to a point, said point being the intersection of the centerline of Eighth Avenue South, thence in a northwardly direction with the centerline of Eighth Avenue South to a point, said point being the intersection of the centerline of Chestnut Street, thence in a westwardly direction with the centerline of Chestnut Street to a point, said point being the intersection of the centerline of Edgehill Avenue, thence in a westwardly direction with the centerline of Edgehill Avenue to a point, said point being the intersection of the centerline of Twenty-First Avenue South, thence in a northwardly direction with the centerline of Twenty-First Avenue South to a point, said point being the intersection of the centerline of Broadway Avenue, thence in a northeastwardly direction with the centerline of Broadway Avenue to a point, said point being the intersection of the centerline of Division Street, thence in a northeastwardly direction with the centerline of Division Street to a point, said point being the intersection of the centerline of Nineteenth Avenue South, thence in a northwardly direction with the centerline of Nineteenth Avenue South to a point, said point being the intersection of the centerline of Broadway Avenue, thence in a northeastwardly direction with the centerline of Broadway Avenue to a point, said point being the intersection of the centerline of Eighteenth Avenue North, thence in a northwardly direction with the centerline of Eighteenth Avenue North to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a westwardly direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Eighteenth Avenue North, thence in a northwardly direction with the centerline of Eighteenth Avenue North to a point, said point being the intersection of the centerline of Hermosa Street, thence in a westwardly direction with the centerline of Hermosa Street to the point of beginning.

District 20.

Beginning at a point, said point being the intersection of the centerline of Interstate 40 and the centerline of the RR, thence in a northwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of the Cumberland River, thence in a northwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of James Robertson Parkway, thence in a westwardly direction with the centerline of James Robertson Parkway to a point, said point being the intersection of the centerline of Third Avenue North, thence in a southwardly direction with the centerline of Third Avenue North to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a westwardly

direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Sixteenth Avenue North, thence northwardly with the centerline of Sixteenth Avenue North to a point, said point being the intersection of the centerline of Jo Johnston Avenue, thence in an eastwardly direction with the centerline of Jo Johnston Avenue to a point, said point being the intersection of the centerline of Sixteenth Avenue North, thence in a northwardly direction with the centerline of Sixteenth Avenue North to a point, said point being the intersection of the centerline of the RR, thence in a northeastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Fourteenth Avenue North, thence in a northwardly direction with the centerline of Fourteenth Avenue North to a point, said point being the intersection of the centerline of Jefferson Street, thence in a westwardly direction with the centerline of Jefferson Street to a point, said point being the intersection of the centerline of Eighteenth Avenue North, thence in a northwardly direction with the centerline of Eighteenth Avenue to a point, said point being the intersection of the centerline of Interstate 40, thence in a northwardly direction with the centerline of Interstate 40 to the point of beginning.

District 21.

Beginning at a point, said point being the intersection of the centerline of Charlotte Avenue and the centerline of Morrow Road, thence in northwardly direction with the centerline of Morrow Road to a point, said point being the intersection of the centerline of Michigan Avenue, thence in an eastwardly direction with the centerline of Michigan Avenue to a point, said point being the intersection of the centerline of Fifty-Fifth Avenue North, thence in a northwardly direction with the centerline of Fifty-Fifth Avenue North and Fifty-Fifth Avenue North Extended to a point, said point being the intersection of the centerline of Centennial Boulevard, thence in a southeastwardly direction with the centerline of Centennial Boulevard to a point, said point being the intersection of the centerline of John Merritt Boulevard, thence in an eastwardly direction with the centerline of John Merritt Boulevard to a point, said point being the intersection of the centerline of Thirty-Ninth Avenue North, thence in a northwardly direction with the centerline of Thirty-Ninth Avenue North to a point, said point being the intersection of the centerline of an Unnamed Stream, thence northwestwardly with the meandering of the Unnamed Stream to a point, said point being the intersection of the centerline of the Cumberland River, thence in a northeastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of the RR, thence in a south-

eastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Meharry Boulevard, thence in a westwardly direction with the centerline of Meharry Boulevard to a point, said point being the intersection of the centerline of Twenty-Fourth Avenue North, thence in a southwardly direction with the centerline of Twenty-Fourth Avenue North to a point, said point being the intersection of the centerline of Hermosa Street, thence in an eastwardly direction with the centerline of Hermosa Street to a point, said point being the intersection of the centerline of Eighteenth Avenue North, thence in a southwardly direction with the centerline of Eighteenth Avenue North to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a eastwardly direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Eighteenth Avenue South, thence in a southeastwardly direction with the centerline of Eighteenth Avenue South to a point, said point being the intersection of the centerline of Broadway Avenue, thence in a westwardly direction with the centerline of Broadway Avenue to a point, said point being the intersection of the centerline of Nineteenth Avenue South, thence in a southwardly direction with the centerline of Nineteenth Avenue South to a point, said point being the intersection of the centerline of Division Street, thence in a westwardly direction with the centerline of Division Street to a point, said point being the intersection of the centerline of Broadway Avenue, thence in a westwardly direction with the centerline of Broadway Avenue to a point, said point being the intersection of the centerline of Twenty-First Avenue South, thence in a northwardly direction of the centerline of Twenty-First Avenue South to a point, said point being the intersection of the centerline of West End Avenue, thence in a westwardly direction with the centerline of West End Avenue to a point, said point being the intersection of the centerline of Interstate 440, thence in a northwardly direction with the centerline of Interstate 440 to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a westwardly direction with the centerline of Charlotte Avenue to the point of beginning.

District 22.

Beginning at a point, said point being the intersection of the centerline of Charlotte Avenue and the centerline of the western branch of an Unnamed Stream, thence northwardly with the meandering of the western branch of the Unnamed Stream to a point, said point being the intersection of the centerline of the Cumberland River, thence in a northeastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of an Unnamed Stream, thence south-

eastwardly with the meandering of the Unnamed Stream to a point, said point being the intersection of the centerline of Thirty-Ninth Avenue North, thence in a southwardly direction with the centerline of Thirty-Ninth Avenue North to a point, said point being the intersection of the centerline of John Merritt Boulevard, thence in a westwardly direction with the centerline of John Merritt Boulevard to a point, said point being the intersection of the centerline of Centennial Boulevard, thence in a northwestwardly direction with the centerline of Centennial Boulevard to a point, said point being the intersection of Fifty-Fifth Avenue North Extended, thence in a southwardly direction with the centerline of Fifty-Fifth Avenue North to a point, said point being the intersection of the centerline of Michigan Avenue, thence in a westwardly direction with the centerline of Michigan Avenue to a point, said point being the intersection of the centerline of Morrow Road, thence in a southwardly direction with the centerline of Morrow Road to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a southwestwardly direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Russleo Drive, thence in a southeastwardly direction with the centerline of Russleo Drive to a point, said point being the intersection of the centerline of Fleetwood Drive, thence in a southwestwardly direction with the centerline of Fleetwood Drive to a point, said point being the intersection of the centerline of Hillwood Boulevard, thence in a southeastwardly direction with the centerline of Hillwood Boulevard to a point, said point being the intersection of the centerline of Hickory Valley Road, thence in a westwardly direction with the centerline of Hickory Valley Road to a point, said point being the intersection of the centerline of Wilsonia Avenue, thence in a southeastwardly direction with the centerline of Wilsonia Avenue to a point, said point being the intersection of the centerline of Dunham Springs Road, thence in a southwestwardly direction with the centerline of Dunham Springs Road to a point, said point being the intersection of the centerline of West Hillwood Drive, thence in a northwestwardly direction with the centerline of West Hillwood Drive to a point, said point being the intersection of the centerline of Hickory Valley Road, thence in a southwardly direction with the centerline of Hickory Valley Road to a point, said point being the intersection of the centerline of Huckleberry Road, thence in an westwardly direction with the centerline of Huckleberry Road to a point, said point being the intersection of the centerline of Richfield Drive, thence in a northwestwardly direction with the centerline of Richfield Drive to a point, said point being the intersection of the centerline of Brook Hollow Road, thence in a northwardly direction with the centerline of Brook Hollow

Road to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a southwestwardly direction with the centerline of Charlotte Avenue to the point of beginning.

District 23.

Beginning at a point, said point being the intersection of the centerline of Interstate 40 and the Davidson-Cheatham County Line, thence in a northwardly direction with the Davidson-Cheatham County Line to a point, said point being the intersection of the centerline of the Cumberland River, thence in an eastwardly direction with the centerline of the Cumberland River to a point, said point being the intersection of the centerline of the western branch of an Unnamed Stream, thence southwardly with the meandering of the western branch of the Unnamed Stream to a point, said point being the intersection of the centerline of Charlotte Pike, thence in an eastwardly direction with the centerline of Charlotte Pike to a point, said point being the intersection of the centerline of Brook Hollow Road, thence in a southwardly direction with the centerline of Brook Hollow Road to a point, said point being the intersection of the centerline of Robin Hill Road, thence in a southwestwardly direction with the centerline of Robin Hill Road to a point, said point being the intersection of the centerline of Vaughns Gap Road, thence in an eastwardly direction with the centerline of Vaughns Gap Road to a point, said point being the intersection of the centerline of Groome Drive, thence in a southwardly direction with the centerline of Groome Drive to a point, said point being the intersection of the centerline of Melinda Drive, thence in a southwestwardly direction with the centerline of Melinda Drive to a point, said point being the intersection of the centerline of Carnavon Parkway, thence in a southwardly direction with the centerline of Carnavon Parkway to a point, said point being the intersection of the centerline of Memphis-Bristol Highway, thence in a southwestwardly direction with the centerline of Memphis-Bristol Highway to a point, said point being the intersection of the centerline of Interstate 40, thence in a westwardly direction with the centerline of Interstate 40 to the point of beginning.

District 24.

Beginning at a point, said point being the intersection of the centerline of Brook Hollow Road and the centerline of Richfield Drive, thence in a southeastwardly direction with the centerline of Richfield Drive to a point, said point being the intersection of the centerline of Huckleberry Road, thence in an eastwardly direction with the centerline of Huckleberry Road to a point, said point being the intersection of the centerline of Hickory Valley Road, thence in

a northwardly direction with the centerline of Hickory Valley Road to a point, said point being the intersection of the centerline of West Hillwood Drive, thence in a southeastwardly direction with the centerline of West Hillwood Drive to a point, said point being the intersection of the centerline of Dunham Springs Road, thence in a northeastwardly direction with the centerline of Dunham Springs Road to a point, said point being the intersection of the centerline of Wilsonia Avenue, thence in a northwardly direction with the centerline of Wilsonia Avenue to a point, said point being the intersection of the centerline of Hickory Valley Road, thence in an eastwardly direction with the centerline of Hickory Valley Road to a point, said point being the intersection of the centerline of Hillwood Boulevard, thence in a northwestwardly direction with the centerline of Hillwood Boulevard to a point, said point being the intersection of the centerline of Fleetwood Drive, thence in a northeastwardly direction with the centerline of Fleetwood Drive to a point, said point being the intersection of the centerline of Russleo Drive, thence in a northwestwardly direction with the centerline of Russleo Drive to a point, said point being the intersection of the centerline of Charlotte Avenue, thence in a northeastwardly direction with the centerline of Charlotte Avenue to a point, said point being the intersection of the centerline of Interstate 440, thence in a southwardly direction with the centerline of Interstate 440 to a point, said point being the intersection of the centerline of West End Avenue, thence in a southwestwardly direction with the centerline of West End Avenue to a point, said point being the intersection of the centerline of the Belle Meade Corporate Limit, thence in a northwestwardly direction with the Belle Meade Corporate Limit to a point, said point being the intersection of the centerline of the RR, thence in a southwestwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of an Unnamed Creek, thence westwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of West Meade Drive, thence in a northwardly direction with the centerline of West Meade Drive to a point, said point being the intersection of the centerline of Jocelyn Hollow Road, thence in a westwardly direction with the centerline of Jocelyn Hollow Road to a point, said point being the intersection of the centerline of Robin Hill Road, thence in a northeastwardly direction with the centerline of Robin Hill Road to a point, said point being the intersection of the centerline of Brook Hollow Road, thence in a northwardly direction with the centerline of Brook Hollow Road to the point of beginning.

District 25.

Beginning at a point, said point being the intersection of the centerline of Kenner Avenue and the centerline of West End Avenue, thence in a northeastwardly direction with the centerline of West End Avenue to a point, said point being the intersection of the centerline of Interstate 440, thence in a southeastwardly direction with the centerline of Interstate 440 to a point, said point being the intersection of the centerline of Woodlawn Drive, thence in an eastwardly direction with the centerline of Woodlawn Drive to a point, said point being the intersection of the centerline of Twenty-First Avenue South, thence in a northwardly direction with the centerline of Twenty-First Avenue South to a point, said point being the intersection of the centerline of Sweetbriar Avenue, thence in an eastwardly direction with the centerline of Sweetbriar Avenue to a point, said point being the intersection of the centerline of Belmont Boulevard, thence in a southwardly direction with the centerline of Belmont Boulevard to a point, said point being the intersection of the centerline of Woodmont Boulevard, thence in an eastwardly direction with the centerline of Woodmont Boulevard to a point, said point being the intersection of the centerline of Lealand Lane, thence in a southwardly direction with the centerline of Lealand Lane to a point, said point being the intersection of the centerline of Maplehurst Avenue, thence in a westwardly direction with the centerline of Maplehurst Avenue to a point, said point being the intersection of the centerline of Rockdale Avenue, thence in a southwardly direction with the centerline of Rockdale Avenue to a point, said point being the intersection of the centerline of Woodvale Drive, thence in a westwardly direction with the centerline of Woodvale Drive to a point, said point being the intersection of the centerline of Granny White Pike, thence in a southwardly direction with the centerline of Granny White Pike to a point, said point being the intersection of the centerline of Lone Oak Road, thence in a westwardly direction with the centerline of Lone Oak Road to a point, said point being the intersection of the centerline of Overhill Drive, thence in a westwardly direction with the centerline of Overhill Drive to a point, said point being the intersection of the centerline of Hillsboro Pike, thence in a southwestwardly direction with the centerline of Hillsboro Pike to a point, said point being the intersection of the centerline of Sugartree Creek, thence northwardly with the meandering of Sugartree Creek to a point, said point being the intersection of the centerline of Abbott Martin Road, thence in a westwardly direction with the centerline of Abbott Martin Road to a point, said point being the intersection of the centerline of Estes Road, thence in a northwardly direction with the centerline of Estes Road to a point, said point being the intersection of

the centerline of Woodlawn Drive, thence in a westwardly direction with the centerline of Woodlawn Drive to a point, said point being the intersection of the centerline of Kenner Avenue, thence in a northwestwardly direction with the centerline of Kenner Avenue to the point of beginning.

District 26.

Beginning at a point, said point being the intersection of the centerline of Nolensville Pike and the centerline of the RR, thence in an eastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Seven Mile Creek, thence southwestwardly with the meandering of Seven Mile Creek to a point, said point being the intersection of the centerline of Paragon Mills Road, thence in an eastwardly direction with the centerline of Paragon Mills Road to a point, said point being the intersection of the centerline of Tampa Drive, thence in a southwardly direction with the centerline of Tampa Drive to a point, said point being the intersection of the centerline of Harding Place, thence in an eastwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Wallace Road, thence in a southwardly direction with the centerline of Wallace Road to a point, said point being the intersection of the centerline of Turley Drive, thence in a southwardly direction with the centerline of Turley Drive to a point, said point being the intersection of the centerline of Leo Lane, thence in an eastwardly direction with the centerline of Leo Lane to a point, said point being the intersection of the centerline of Chambers Drive, thence in a southwardly direction with the centerline of Chambers Drive to a point, said point being the intersection of the centerline of Haywood Lane, thence in a westwardly direction with the centerline of Haywood Lane to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a southwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of McMurray Drive, thence in a westwardly direction with the centerline of McMurray Drive to a point, said point being the intersection of the centerline of Whispering Hills Drive, thence in a northwestwardly direction with the centerline of Whispering Hills Drive to a point, said point being the intersection of the centerline of Bonerwood Drive, thence in a westwardly direction with the centerline of Bonerwood Drive to a point, said point being the intersection of the centerline of Durrett Drive, thence in a northwardly direction with the centerline of Durrett Drive to a point, said point being the intersection of the centerline of Edmonson Pike, thence in a southwestwardly direction with the centerline of Edmonson Pike to a point, said point be-

ing the intersection of the centerline of Briarwood Drive, thence in a westwardly direction with the centerline of Briarwood Drive to a point, said point being the intersection of the centerline of Blackman Road, thence in a westwardly direction with the centerline of Blackman Road to a point, said point being the intersection of the centerline of Timberhill Drive, thence in a northwardly direction with the centerline of Timberhill Drive to a point, said point being the intersection of the centerline of Harding Place, thence in a westwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Trousdale Drive, thence in a northwardly direction with the centerline of Trousdale Drive to a point, said point being the intersection of the centerline of Allied Drive, thence in an eastwardly direction with the centerline of Allied Drive to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a southeastwardly direction with the centerline of Nolensville Pike to the point of beginning.

District 27.

Beginning at a point, said point being the intersection of the centerline of McGavock Pike and the centerline of Murfreesboro Pike, thence a southeastwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Old Murfreesboro Pike, thence in a southeastwardly direction with the centerline of Old Murfreesboro Pike to a point, said point being the intersection of the centerline of Smith Springs Road, thence in an eastwardly direction with the centerline of Smith Springs Road to a point, said point being the intersection of the centerline of the East Fork of Hamilton Creek, thence southwardly with the meandering of the East Fork of Hamilton Creek to a point, said point being the intersection of the centerline of Hamilton Creek, thence westwardly with the meandering of Hamilton Creek to a point, said point being the intersection of the centerline of Mossdale Drive, thence in a northwestwardly direction with the centerline of Mossdale Drive to a point, said point being the intersection of the centerline of Bell Road, thence in a northwardly direction with the centerline of Bell Road to a point, said point being the intersection of the centerline of Nashboro Boulevard, thence in a westwardly direction with the centerline of Nashboro Boulevard to a point, said point being the intersection of the centerline of Una-Antioch Pike, thence in a southwestwardly direction with the centerline of Una-Antioch Pike to a point, said point being the intersection of the centerline of an Unnamed Creek, thence westwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of Franklin Limestone Road, thence in a westwardly direction with the centerline of

Franklin Limestone Road to a point, said point being the intersection of the centerline of Antioch Pike, thence in a northwestwardly direction with the centerline of Antioch Pike to a point, said point being the intersection of the centerline of Harding Place, thence in a westwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Tampa Drive, thence in a northwardly direction with the centerline of Tampa Drive to a point, said point being the intersection of the centerline of Paragon Mills Road, thence in a westwardly direction with the centerline of Paragon Mills Road to a point, said point being the intersection of the centerline of Seven Mile Creek, thence northeastwardly with the meandering of Seven Mile Creek to a point, said point being the intersection of the centerline of Antioch Pike, thence in a westwardly direction with the centerline of Antioch Pike to a point, said point being the intersection of the centerline of McCall Street, thence in a westwardly direction with the centerline of McCall Street to a point, said point being the intersection of the centerline of Dumas Drive, thence in a northwardly direction with the centerline of Dumas Drive to a point, said point being the intersection of the centerline of Antioch Pike, thence in a westwardly direction with the centerline of Antioch Pike to a point, said point being the intersection of the centerline of Wingate Avenue, thence in a northwardly direction with the centerline of Wingate Avenue to a point, said point being the intersection of the centerline of Thompson Lane, thence in an eastwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of Briley Parkway, thence in an eastwardly direction with the centerline of Briley Parkway to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of the eastbound branch of the RR, thence in an eastwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Currey Road, thence in a southeastwardly direction with the centerline of Currey Road to a point, said point being the intersection of the centerline of McGavock Pike, thence in a northeastwardly direction with the centerline of McGavock Pike to the point of beginning.

District 28.

Beginning at a point, said point being the intersection of the centerline of Interstate 24 and the centerline of Harding Place, thence in an eastwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Antioch Pike, thence in a southeastwardly direction with the centerline of Antioch

Pike to a point, said point being the intersection of the centerline of Franklin Limestone Road, thence in an eastwardly direction with the centerline of Franklin Limestone Road to a point, said point being the intersection of the centerline of an Unnamed Creek, thence southeastwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of Una-Antioch Pike, thence in a northeastwardly direction with the centerline of Una-Antioch Pike to a point, said point being the intersection of the centerline of Nashboro Boulevard, thence in an eastwardly direction with the centerline of Nashboro Boulevard to a point, said point being the intersection of the centerline of Bell Road, thence in a southwardly direction with the centerline of Bell Road to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a southeastwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Mt. View Road, thence in a southwestwardly direction with the centerline of Mt. View Road to a point, said point being the intersection of the centerline of Old Franklin Road, thence in a southwardly direction with the centerline of Old Franklin Road to a point, said point being the intersection of the centerline of Interstate 24, thence in a northwestwardly direction with the centerline of Interstate 24 to the point of beginning.

District 29.

Beginning at a point, said point being the intersection of the centerline of Smith Springs Road and the centerline of the East Fork of Hamilton Creek, thence northwardly with the meandering of the East Fork of Hamilton Creek to a point, said point being the intersection of the southern shoreline of J. Percy Priest Reservoir, thence in an eastwardly direction with the southern shoreline of J. Percy Priest Reservoir to a point, said point being the intersection of the shoreline and the Rutherford-Davidson County Line, thence in a southwestwardly direction with the Rutherford-Davidson County Line to a point, said point being the intersection of the centerline of Interstate 24, thence in a northwestwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Old Franklin Road, thence in a northwardly direction with the centerline of Old Franklin Road to a point, said point being the intersection of the centerline of Mt. View Road, thence in a northeastwardly direction with the centerline of Mt. View Road to a point, said point being the intersection of the centerline of Murfreesboro Pike, thence in a northwestwardly direction with the centerline of Murfreesboro Pike to a point, said point being the intersection of the centerline of Bell Road, thence in a northeastwardly direction with the centerline of Bell Road to a

point, said point being the intersection of the centerline of Mossdale Drive, thence in a southeastwardly direction with the centerline of Mossdale Drive to a point, said point being the intersection of the centerline of Hamilton Creek, thence eastwardly with the meandering of Hamilton Creek to a point, said point being the intersection of the centerline of the East Fork of Hamilton Creek, thence northwardly with the meandering of the East Fork of Hamilton Creek to the point of beginning.

District 30.

Beginning at a point, said point being the intersection of the centerline of Wallace Road and the centerline of Harding Place, thence in an eastwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Interstate 24, thence in a southeastwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the centerline of Blue Hole Road, thence in a southwardly direction with the centerline of Blue Hole Road to a point, said point being the intersection of the centerline of Tusculum Road, thence in a westwardly direction with the centerline of Tusculum Road to a point, said point being the intersection of the centerline of Robert Yoest Drive, thence in a southwardly direction with the centerline of Robert Yoest Drive to a point, said point being the intersection of the centerline of Ocala Drive, thence in a westwardly direction with the centerline of Ocala Drive to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a southwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a westwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Amalie Drive, thence in a northwardly direction with the centerline of Amalie Drive to a point, said point being the intersection of the centerline of McMurray Drive, thence in an eastwardly direction with the centerline of McMurray Drive to a point, said point being the intersection of the centerline of Brewer Drive, thence in an eastwardly direction with the centerline of Brewer Drive to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a northwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Haywood Lane, thence in an eastwardly direction with the centerline of Haywood Lane to a point, said point being the intersection of the centerline of Chambers Drive, thence in a northwardly direction with the centerline of Chambers Drive to a point, said point being the intersection of the centerline of Leo Lane, thence in a westwardly direction with the centerline of Leo Lane to a point, said

point being the intersection of the centerline of Turley Drive, thence in a northwardly direction with the centerline of Turley Drive to a point, said point being the intersection of the centerline of Wallace Road, thence in an eastwardly direction with the centerline of Wallace Road to the point of beginning.

District 31.

Beginning at a point, said point being the intersection of the centerline of Edmonson Pike and the centerline of Old Hickory Boulevard, thence in an eastwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a northwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Ocala Drive, thence in an eastwardly direction with the centerline of Ocala Drive to a point, said point being the intersection of the centerline of Robert Yoest Drive, thence in a northwardly direction with the centerline of Robert Yoest Drive to a point, said point being the intersection of the centerline of Tusculum Road, thence in an eastwardly direction with the centerline of Tusculum Road to a point, said point being the intersection of the centerline of Blue Hole Road, thence in a northwardly direction with the centerline of Blue Hole Road to a point, said point being the intersection of the centerline of Interstate 24, thence in a southeastwardly direction with the centerline of Interstate 24 to a point, said point being the intersection of the Rutherford-Davidson County Line, thence in a southwardly direction with the Rutherford-Davidson County Line to a point, said point being the intersection of the Rutherford-Williamson-Davidson County Line, thence in a northwestwardly direction with the Williamson-Davidson County Line to a point, said point being the intersection of the centerline of Edmonson Pike, thence in a northwardly direction with the centerline of Edmonson Pike to the point of beginning.

District 32.

Beginning at a point, said point being the intersection of the centerline of Trousdale Drive and the centerline of Blackman Road, thence in an eastwardly direction with the centerline of Blackman Road to a point, said point being the intersection of the centerline of Briarwood Drive, thence in a southeastwardly direction with the centerline of Briarwood Drive to a point, said point being the intersection of the centerline of Edmonson Pike, thence in a northwardly direction with the centerline of Edmonson Pike to a point, said point being the intersection of the centerline of Durrett Drive, thence in a southeastwardly direction with the centerline of Durrett Drive to a point, said point being the intersection of the centerline of Bonerwood

Drive, thence in an eastwardly direction with the centerline of Bonerwood Drive to a point, said point being the intersection of the centerline of Whispering Hills Drive, thence in a southeastwardly direction with the centerline of Whispering Hills Drive to a point, said point being the intersection of the centerline of McMurray Drive, thence in an eastwardly direction with the centerline of McMurray Drive to a point, said point being the intersection of the centerline of Nolensville Pike, thence in a southwardly direction with the centerline of Nolensville Pike to a point, said point being the intersection of the centerline of Brewer Drive, thence in a westwardly direction with the centerline of Brewer Drive to a point, said point being the intersection of the centerline of McMurray Drive, thence in a southwardly direction with the centerline of McMurray Drive to a point, said point being the intersection of the centerline of Amalie Drive, thence in a southwardly direction with the centerline of Amalie Drive to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a southwestwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of Edmonson Pike, thence in a southwardly direction with the centerline of Edmonson Pike to a point, said point being the intersection of the centerline of the Davidson-Williamson County Line, thence in a northwestwardly direction with the Davidson-Williamson County Line to a point, said point being the intersection of the centerline of the RR, thence in a northwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Interstate 65, thence in a southwardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of Franklin Pike Circle, thence in a northeastwardly direction with the centerline of Franklin Pike Circle to a point, said point being the intersection of the centerline of Hill Road, thence in an eastwardly direction with the centerline of Hill Road to a point, said point being the intersection of the centerline of Overton Road, thence in a northwardly direction with the centerline of Overton Road to a point, said point being the intersection of the centerline of Baxter Lane, thence in an eastwardly direction with the centerline of Baxter Lane to a point, said point being the intersection of the centerline of Trousdale Drive, thence in a northwardly direction with the centerline of Trousdale Drive to the point of beginning.

District 33.

Beginning at a point, said point being the intersection of the Davidson-Williamson County Line and the centerline of Hillsboro Pike, thence in a northwardly direction with the centerline of Hillsboro Pike to a point, said point

being the intersection of the centerline of Overhill Drive, thence in an eastwardly direction with the centerline of Overhill Drive to a point, said point being the intersection of the centerline of Lone Oak Road, thence in a southeastwardly direction with the centerline of Lone Oak Road to a point, said point being the intersection of the centerline of Granny White Pike, thence in a northwardly direction with the centerline of Granny White Pike to a point, said point being the intersection of the centerline of Woodvale Drive, thence in an eastwardly direction with the centerline of Woodvale Drive to a point, said point being the intersection of the centerline of Rockdale Avenue, thence in a northwardly direction with the centerline of Rockdale Avenue to a point, said point being the intersection of the centerline of Maplehurst Avenue, thence in an eastwardly direction with the centerline of Maplehurst Avenue to a point, said point being the intersection of the centerline of Lealand Lane, thence in a northwardly direction with the centerline of Lealand Lane to a point, said point being the intersection of the centerline of Woodmont Boulevard, thence in an eastwardly direction with the centerline of Woodmont Boulevard to a point, said point being the intersection of the centerline of Thompson Lane, thence in an eastwardly direction with the centerline of Thompson Lane to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction with the centerline of the RR to a point, said point being the intersection of the centerline of Trousdale Drive, thence in a southwardly direction with the centerline of Trousdale Drive to a point, said point being the intersection of the centerline of Harding Place, thence in an eastwardly direction with the centerline of Harding Place to a point, said point being the intersection of the centerline of Timberhill Drive, thence in a southwardly direction with the centerline of Timberhill Drive to a point, said point being the intersection of the centerline of Blackman Road, thence in a westwardly direction with the centerline of Blackman Road to a point, said point being the intersection of the centerline of Trousdale Drive, thence in a southwardly direction with the centerline of Trousdale Drive to a point, said point being the intersection of the centerline of Baxter Lane, thence in a westwardly direction with the centerline of Baxter Lane to a point, said point being the intersection of the centerline of Overton Road, thence in a southwardly direction with the centerline of Overton Road to a point, said point being the intersection of the centerline of Hill Road, thence in a westwardly direction with the centerline of Hill Road to a point, said point being the intersection of the centerline of Franklin Pike Circle, thence in a southwardly direction with the centerline of Franklin Pike Circle to a point, said point being the intersection of the centerline of Interstate 65,

thence in a northwardly direction with the centerline of Interstate 65 to a point, said point being the intersection of the centerline of the RR, thence in a southwardly direction, with the centerline of the RR to a point, said point being the intersection of the Davidson-Williamson County Line, thence in a westwardly direction with the Davidson-Williamson County Line to the point of beginning.

District 34.

Beginning at a point, said point being the intersection of the centerline of Memphis-Bristol Highway and the centerline of Kenner Avenue, thence in a southeastwardly direction with the centerline of Kenner Avenue to a point, said point being the intersection of the centerline of Woodlawn Drive, thence in an eastwardly direction with the centerline of Woodlawn Drive to a point, said point being the intersection of the centerline of Estes Road, thence in a southwardly direction with the centerline of Estes Road to a point, said point being the intersection of the centerline of Abbott Martin Road, thence in an eastwardly direction of the centerline of Abbott Martin Road to a point, said point being the intersection of the centerline of Sugartree Creek, thence southwardly with the meandering of Sugartree Creek to a point, said point being the intersection of the centerline of Hillsboro Pike, thence in a southwardly direction with the centerline of Hillsboro Pike to a point, said point being the intersection of the Williamson-Davidson County Line, thence in a westwardly direction with the Williamson-Davidson County Line to a point, said point being the intersection of the centerline of Vaughn Road, thence in a northwardly direction with the centerline of Vaughn Road to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a northwestwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of the centerline of State Highway 100, thence in a northeastwardly direction with the centerline of State Highway 100 to a point, said point being the intersection of the centerline of Vaughns Gap Road, thence in a northwardly direction with the centerline of Vaughns Gap Road to a point, said point being the intersection of the centerline of Highland Park Drive, thence in a westwardly direction with the centerline of Highland Park Drive to a point, said point being the intersection of the centerline of Percy Warner Boulevard, thence in a westwardly direction with the centerline of Percy Warner Boulevard to a point, said point being the intersection of Memphis-Bristol Highway, thence in a northeastwardly direction with the centerline of Memphis-Bristol Highway to a point, said point being the intersection of the centerline of Carnavon Parkway, thence in a northwestwardly direction with the centerline of Carnavon Parkway to a point, said point being the intersection

of the centerline of Melinda Drive, thence in a northeastwardly direction with the centerline of Melinda Drive to a point, said point being the intersection of the centerline of Groom Drive, thence in a northwardly direction with the centerline of Groom Drive to a point, said point being the intersection of the centerline of Vaughns Gap Road, thence in a westwardly direction with the centerline of Vaughns Gap Road to a point, said point being the intersection of the centerline of Robin Hill Road, thence in a northwardly direction with the centerline of Robin Hill Road to a point, said point being the intersection of the centerline of Jocelyn Hollow Road, thence in an eastwardly direction with the centerline of Jocelyn Hollow Road to a point, said point being the intersection of the centerline of West Meade Drive, thence in a southwardly direction with the centerline of West Meade Drive to a point, said point being the intersection of the centerline of an Unnamed Creek, thence eastwardly with the meandering of the Unnamed Creek to a point, said point being the intersection of the centerline of the RR, thence in a northeastwardly direction with the centerline of the RR to a point, said point being the intersection of the Belle Meade Corporate Limit, thence in a southeastwardly direction with the Belle Meade Corporate Limit to a point, said point being the intersection of the centerline of Memphis-Bristol Highway, thence in a northeastwardly direction with the centerline of Memphis-Bristol Highway to the point of beginning.

District 35.

Beginning at a point, said point being the intersection of the centerline of Interstate 40 and the Cheatham-Davidson County Line, thence in an eastwardly direction with the centerline of Interstate 40 to a point, said point being the intersection of the centerline of Memphis-Bristol Highway, thence in an eastwardly direction with the centerline of Memphis-Bristol Highway to a point, said point being the intersection of the centerline of Percy Warner Boulevard, thence in an eastwardly direction with the centerline of Percy Warner Boulevard to a point, said point being the intersection of the centerline of Highland Park Drive, thence in a southwardly direction with the centerline of Highland Park Drive to a point, said point being the intersection of the centerline of Vaughns Gap Road, thence in a southwardly direction with the centerline of Vaughns Gap Road to a point, said point being the intersection of the centerline of State Highway 100, thence in a southwestwardly direction with the centerline of State Highway 100 to a point, said point being the intersection of the centerline of Old Hickory Boulevard, thence in a southeastwardly direction with the centerline of Old Hickory Boulevard to a point, said point being the intersection of

the centerline of Vaughn Road, thence in a southwardly direction with the centerline of Vaughn Road to a point, said point being the intersection of the William-son-Davidson County Line, thence in a westwardly direction with the Williamson-Davidson County Line to a point, said point being the intersection of the Williamson-Cheatham-Davidson County Line, thence in a northwardly direction with the Cheatham-Davidson County Line to the point of beginning.

Appendix Three. Electric Power Board.

Editor's note-This Appendix consists of Articles 42 and 43 of the Charter of the Former City of Nashville (Private Acts 1947, chapter 246, as amended), with modifications limited to those changes necessary and proper to constitute the electric power board an agency of the metropolitan government.

ARTICLE 42

BE IT FURTHER ENACTED, That The Metropolitan Government of Nashville and Davidson County, in its corporate capacity is hereby authorized and empowered to:

1. To purchase, construct, lease, or otherwise acquire, and to maintain, improve, operate and regulate, either within or without the corporate limits of said metropolitan government, an electric light and power plant and/or an electric system, including distribution system and substations, together with all necessary or appropriate equipment, appliances and appurtenances, for the proper operation thereof, for the purpose of lighting public buildings, streets, parks and other municipal property, and for any and all other purposes, including the production of electricity for resale at wholesale to the United States, the state, or any municipality, or to any private person, firm or corporation, and for the sale of electric service or current at retail to the United States, the state, or any municipality, or to any person, firm, public or private corporation, for light, heat, power, or any other purpose whatsoever, or to any other users or consumers of electric power and energy and to any person, firm, public or private corporation, or to any other users or consumers of electric power and energy.

2. To acquire, improve, or use jointly with any other municipality, a transmission line or lines, together with all necessary and appropriate facilities, equipment and appurtenances, for the purpose of transmitting power and energy and/or connecting their respective electric plants with a wholesale source of supply, and to this end the metropolitan government may provide by contract for the method of holding title, for the allocation of responsibility for operating and maintenance, and for the allocation of expenses and revenues.

3. To accept grants, loans or other financial assistance from the United States of America, or the Federal Emergency Administrator of Public Works, the Tennessee Valley Authority, or any other similar agency, instrumentality or corporation of the United States of America which has heretofore been, or may hereafter be, created by or pursuant to any Act or Acts of Congress of the United States of America.

4. To contract debts for the acquisition or improvement of any electric plant and/or distribution system; to borrow money; to issue its bonds to finance such acquisition or improvements; to provide for the rights of the holders of the bonds and to secure the bonds as hereinafter provided, and to pledge all or any part of the revenues derived from electric service to the payment of such debts or repayment of money borrowed.

5. To acquire, hold, and subject to the applicable provisions of any bonds or contracts, to dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, and whether or not subject to mortgages, liens, charges, or other encumbrances but disposition of all, or substantially all, of its electric plant and/or distribution system may not be made except as herein provided.

6. To make contracts and execute instruments containing such covenants, terms and conditions, as in the discretion of the metropolitan government may be necessary, proper or advisable for the purpose of obtaining loans from any source, or grants, loans, or other financial assistance from any federal agency; to make all other contracts and execute all other instruments, which in its discretion, may be necessary, proper, or advisable, in or for the furtherance of the acquisition, improvement, operation and maintenance, of any electric plant and/or distribution system, and the furnishing of electric service; and to carry out and perform the covenants, terms and conditions of all such contracts or instruments.

7. To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any electric plant and/or distribution system, and the furnishing of electric service.

8. To do all acts and things necessary or convenient to carry out the powers expressly given in this article

9. That the metropolitan government, directly or through the electric power board hereinafter created, may use any right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of an electric or power plant and/or distribution system, held by the state, any county or other municipality, provided that

the state, or such other municipality shall consent to such use.

10. There is hereby created the Electric Power Board of The Metropolitan Government of Nashville and Davidson County, composed of five members. The members of the Electric Power Board of the City of Nashville in office at the effective date of this Charter, either as appointed members or as holdover members until successors are appointed and qualified, shall be the first members of the electric power board of the metropolitan government.

The terms of office of the members of the electric power board of the metropolitan government shall be for five years, except that the first terms of office of such members shall relate back to the beginning of the terms of office of the members of the Electric Power Board of the City of Nashville who are holding such offices under appointments, and to the end of the terms of office of the members of the Electric Power Board of Nashville where the terms of office for which they were appointed have expired and such members are holding such offices until their successors are appointed and qualified, so that the first terms of office of the members of the electric power board of the metropolitan government will relate back to July 1, 1954, July 1, 1955, July 1, 1956, July 1, 1957 and July 1, 1958, respectively, and will expire on July 1, 1959, July 1, 1960, July 1, 1961, July 1, 1962 and July 1, 1963, respectively; and thereafter each successive terms of office shall each be for a period of five years from the date of expiration of the preceding term of office.

Any of the first members of the electric power board of the metropolitan government who, at the effective date of this Charter shall have been holding office as a member of the Electric Power Board of the City of Nashville after the expiration of their term of office until their successors were appointed and qualified, shall continue to be members of such electric power board of the metropolitan government until the appointment of a member by the mayor and confirmation of such appointment by the metropolitan council as provided herein to succeed such holdover member for the unexpired term of the term of office in which such holdover member is serving as a member.

All members of the electric power board of the metropolitan government who are appointed by the mayor and whose appointment is confirmed by the metropolitan council as herein provided shall serve as such members for the term of office to which they are appointed, and until their successors are appointed and qualified.

A chairman and vice-chairman shall be elected by and from the members of the board, by a majority vote, and a new chairman and vice-chairman shall thereafter be selected in like manner by the board each year. The members of said board shall serve without compensation.

No person shall be eligible for election or appointment to membership on the board unless he shall have been a bona fide freeholder or householder or taxpayer in Davidson County for at least three years next preceding the date of his appointment or election; at least thirty years of age and a citizen of the United States. If any member of the board shall cease to possess any of the qualifications for his office, as above enumerated or hereinafter prescribed, a vacancy shall thereupon immediately occur and his office shall be filled as hereinafter provided.

When the term of office of any member or members of said board shall have expired, or when any vacancy in the board occurs by reason of death, resignation, removal or other cause, the vacancy or vacancies shall be filled by appointment by the mayor, subject to confirmation by the metropolitan council. Terms of office of members of the board shall be for five years, except members appointed to fill vacancies in unexpired terms or members holding office after the expiration of their terms of office until their successors are appointed and qualified.

11. That the members of said board first appointed and qualified hereunder, and all other members thereof, before entering upon the discharge of the duties of their office shall take and subscribe to an oath before some person authorized to administer an oath in Davidson County, as follows:

"I do solemnly swear that I am a citizen of the United States of America, that I am not an officer, director, employee or agent of any company producing, selling or furnishing electric light, power, current or services; that I do not now hold any public office, nor am I an applicant or candidate therefor; that I will faithfully and honestly discharge the duties of my office."

12. That at all meetings three members of the board shall constitute a quorum, and the board shall act by vote of a majority present at any meeting attended by a quorum.

In addition to a chairman and a vice-chairman, there shall be a secretary, a treasurer, a general manager, a general counsel and such other officers, agents, heads of departments, or other employees as may be necessary for the operation of the board, and for the effective operation of the electric plant and/or distribution system, whose compensation, wages, or salaries shall be payable out of the revenues derived from the operation of the board, and said board shall fix and prescribe their several duties, subject to the limitations and provisions of this Charter.

The board shall fix the amount of bonds to be required of the secretary-treasurer and all others who are to handle or to be responsible for the funds and/or property of the board, or the metropolitan government, hereunder, and all such bonds shall have as surety thereon some approved bonding or surety company.

The board shall hold public meetings, at least once each month, at such time and place as it may determined. Changes in the time and place of such meeting shall be made known to the public in some suitable manner to be prescribed by the board. The board is also authorized and empowered to prescribe a set of by-laws and reasonable rules for its government and procedure, and shall also provide rules not inconsistent with the provisions of this Charter for carrying into execution the powers and authority conferred by this Charter.

With reference to the properties, rights, and interests of the metropolitan government, to be acquired by or operated under the provisions of this article, as is herein otherwise provided, all agreements, contracts, transfers and conveyances in connection therewith, shall be made and executed, and all such properties shall be acquired, held, owned and transferred and conveyed in the name of the Metropolitan Government of Nashville and Davidson County, and all such contracts, agreements, transfers and conveyances shall be signed by the chairman or vice-chairman of the board and attested by the secretary or assistant secretary. Provided, however, that the board may, by-law or regulation, delegate to the chairman or the general manager or other employee of said board the right to make, let, sign, and otherwise execute all such contracts, agreements, deeds, transfers or other conveyances, where not in excess of ten thousand (\$10,000) dollars is involved, which the board is so authorized to make, and subject to such conditions and requirements as the board may, by regulation or by-laws, prescribe; and provided further that, in the absence of any by-law or rule of the board, the general manager shall have authority to make and execute such contracts and agreements which involve less than five thousand (\$5,000) dollars in amount.

13. The general manager shall have charge of all the equipment and properties of the board; all construction, and the immediate management and operation of the electric light and power plant and distribution system, under the direction and supervision of the board as may be provided from time to time by by-laws or regulations, and shall be chargeable with the enforcement and execution of all rules, regulations, programs, plans, and decisions made or adopted by the board. He shall make and keep full and complete books and records, which shall at all times be subject to the supervision, direction, and control of the board.

14. The general counsel, whose salary shall be fixed by the power board, shall have general charge and supervision of the legal work in connection with the operations and conduct of the board's affairs, and shall do and perform all such other acts and services of a legal nature as may from time to time be required of him by the board.

15. That said electric power board of the metropolitan government be, and it is, hereby authorized to purchase, construct, erect or otherwise acquire, and to maintain and operate the electric power plant, distribution system, substation, etc., hereinbefore provided for; and said board shall have full power and authority to purchase, rent, lease or otherwise acquire any and all kinds of property, real or personal, for the said metropolitan government, in order to carry out the powers herein granted, and also to enter into any and all contracts with the Tennessee Valley Authority, or other entities, persons, firms, or corporations, public or private, for the furnishing of electric current to the metropolitan government, for use or resale as provided herein, and to enter into any other contracts with any other persons, partnerships, associations, or public or private corporations which may be by said board deemed necessary or expedient in exercising said powers; and said board shall have full control over the erection, construction, maintenance and operation of said plants and properties, with full power to make rules for the control and maintenance of said plants and properties, the manner of operation, and the employment of officials and employees of every kind. Said board may acquire by purchase an existing electric power plant and/or distribution system with substation appurtenances, equipment, etc., and it is authorized to carry on all necessary or proper negotiations therefor; and it is authorized to make the necessary surveys and enter into contracts for the construction of such power plant and/or distribution system, substations, etc., and the equipment and appliances necessary or appropriate thereto. The board is expressly authorized and empowered to make and enter into all necessary or proper contracts with the Tennessee Valley authority, or other agencies, for the furnishing of electric current to the metropolitan government, to be used either by said metropolitan government for its own purposes, or to be sold for light, power, heat or any other purpose whatsoever, and in this connection may agree on rates for the sale of such current.

For the purpose of constructing, equipping, maintaining, and operating the electric power plant and/or distribution system mentioned in this article, the board is expressly authorized and empowered to issue and sell short term notes, made payable out of the revenues from the electric power plant and/or distribution system mentioned herein. The amount of said short term notes outstanding at any time shall not exceed three million (\$3,000,000) dollars and said notes shall mature not more than three years from the date of said notes.

16. That disposition of all, or substantially all, of the electric plant and/or distribution system acquired by means of the bonds issued hereunder, may only be made upon recommendation of the board, with the approval of the

mayor and metropolitan council, and a majority of those voting in an election to be held as in this Article provided. In the event it is desired to so dispose of all, or substantially all, of such property, the board shall make recommendations to that effect to the mayor, such recommendations to contain the information required to be included in a resolution for submission to the voters in an election to be held as hereinafter provided, and thereupon, if the same is approved by the mayor, he shall prepare and submit to the metropolitan council, and the metropolitan council shall adopt, a resolution which shall state in substance:

(a) That the electric power board has recommended, and the mayor and metropolitan council have approved, the proposed disposition.

(b) A full description of the property of which disposition is proposed to be made.

(c) The proposed purchaser or purchasers thereof.

(d) The purchase price.

(e) The terms or conditions of sale, if such disposition is not to be for cash payable in full at the time of the proposed disposition.

(f) The date on which an election will be held to consider such disposition.

(g) The place or places where votes in such election may be cast.

(h) The hours between which such voting places shall be open.

If said resolution is adopted, an election will be called in conformity with the resolution, and said resolution shall be published in full at least once, not less than fifteen (15) days prior to the date fixed for the election, in a newspaper published and having general circulation in the entire area of the metropolitan government. At such election the ballots shall contain the words, "For the disposition of the Electric Plant and/or Distribution System", and "Against the disposition of the Electric Plant and/or Distribution System", as the case may be.

The election herein provided for shall be conducted and ballots shall be prepared, in the same manner as is now, or then may be, provided by law for the holding and conducting of general elections for the metropolitan government under its Charter and the provisions of the general election laws of the State of Tennessee. The results of such elections shall be canvassed, declared and certified, and the records of such results and returns shall be kept in the same manner as is now so provided by law, and when any such election is so held and the results so canvassed and certified in conformity with these provisions, it shall, after the delivery of, and payment for, said property, disposition of which was so voted upon at such election, be conclusive evidence of the result of such election.

17. That said board is expressly authorized to exercise the power of eminent domain on behalf and in the name of the Metropolitan Government of Nashville and Davidson County, in order to acquire any property, real or personal, necessary or useful in exercising the power and authority conferred by this article, and any property so acquired shall be paid for out of the earnings of the power plant and/or distribution system herein provided for, or from the proceeds of the bonds authorized by this article. The title to all property taken for the purpose of exercising the powers conferred by this Charter, whether acquired by contract or by exercise of the power of eminent domain, shall be taken in the name of the Metropolitan Government of Nashville and Davidson County; and such condemnation proceedings as may be deemed necessary or proper shall be pursuant to, and in accordance with, the provisions of sections 23-1401 to 23-1424, inclusive, Tennessee Code Annotated.

18. That said electric power board of the metropolitan government shall have exclusive management and control of the operation of said electric power plant and/or distribution system. Except as otherwise provided in this article, said board shall have the authority, subject to the applicable civil service provisions, to determine the number of positions and employ persons to fill vacancies in said positions, and to fix the salaries or compensation within the limits of the pay plan applicable to this article, and prescribe the duties of all of its officers, agents, representatives, and employees; provided, said Board may, in its discretion, delegate to the general manager to be selected by it, such power and authority in addition to that conferred herein, as it may deem necessary and proper. All revenues collected from the operation of the said power plant and/or distribution system, or any promotional activity conducted or operated in connection therewith, shall be deposited in the name of the metropolitan government, and kept in a separate fund or funds, and shall only be disbursed upon checks or vouchers of the said board drawn against said fund or funds, and which checks or vouchers shall be signed by the secretary or an assistant secretary, of the board, and approved or countersigned by the general manager, or in such other manner as the board may, from time to time, prescribe. As of the first days of January and July of each year, said board shall make and file, in triplicate, with the mayor of the metropolitan government, a statement showing the financial condition of the board, and the system operated by it, together with such other information as the mayor shall from time to time require, and which shall cover the whole of the operations during the preceding six (6) months. Said reports shall be filed on or before the first days of February and August, respectively, of each year. A copy of said financial statement

shall also be filed with the clerk of the metropolitan government at the time it is filed with the mayor, and a further copy, or certified abstract thereof, shall be published once in a newspaper of general circulation in the entire area of the metropolitan government. The board shall provide a proper and sufficient accounting system.

19. That the board shall fix the rates to be charged for current, power, light and heat, or other services furnished, and which rates shall be fair, reasonable and uniform for all customers in the same class, but different rate schedules may be applied to different classes of customers as may be determined by the board. Rates within the urban services district of the metropolitan government may be less, but shall in no event be greater than rates for the same class of service outside the urban services district. Rates for electric service shall be fixed in conformity with the resale rates which the metropolitan government may be required to charge under or by reason of the metropolitan government's contractual obligations with the Tennessee Valley Authority, and in all other respects in conformity with the then existing contract executed by the former city of Nashville and/or the Metropolitan Government of Nashville and Davidson County with the Tennessee Valley Authority.

20. That the board shall charge the metropolitan government for any electric service furnished it, at the rates applicable to other customers of the same class served under similar conditions and the revenue derived from such service shall be treated as all other revenues of said board.

21. That a copy of the schedule of the current rates and charges in effect from time to time, and a copy of all resolutions and regulations of the board relating to electric service shall be kept on public file at the main and all branch offices of any plant or plants operated by it, and also in the office of the clerk of the metropolitan government.

The officers, agents and employees of the board are prohibited from appropriating or using any of the moneys, revenues, assets or property of the board, or of the metropolitan government, or its credit either directly or indirectly by way of donations for festivities, exhibits, shows, lectures, pageants, excursions, decorations or parades, and shall not give or grant to any person or persons any reduction or other benefit of any kind in rates or service by the board, nor shall they make or allow any discrimination in favor of any purchaser of power, light, current or other service not enjoyed by others of the same class and taking power under like conditions; provided, nothing in this article shall prevent participation in normal electric promotion activities.

22. That said board shall set up a sufficient fund as an insurance fund, and which shall be kept in a separate account and invested in securities now authorized for the sinking fund of the metropolitan government, and which, together with any income thereon or additions thereto, shall be used to pay and discharge any liabilities of said board and of the metropolitan government by reason of the acquisition, creation, owning, operation, maintenance or other use of said power plant and/or distribution system, or in lieu of such fund, the board, in its discretion, may take out and carry such insurance policies as may be necessary or proper, or may set up necessary contingency reserves to protect against such liabilities.

The board in its judgment and discretion is further authorized and empowered to avail itself of the benefits of any existing or future laws of the United States, or of the State of Tennessee, with reference to Social Security, old age benefits, or pensions on behalf of its employees, at any time, when, under the terms of such acts or laws, it may be authorized or permitted so to do, and in connection therewith may make such payments and do such other acts and things as may be by said laws or acts authorized or provided. Said board in its judgment and discretion shall likewise be authorized and empowered to take out, purchase, or otherwise provide for such employee retirement insurance, survivor insurance and other insurance as it may be determined to be to the best interest of the employees, and as is justified by the revenues and earnings of the board.

23. That when any contract is made by the board with any independent contractor for new construction, improvements, or extensions, such contract shall contain a provision that wages to be paid by said contractor on such work shall conform to the prevailing wage scale, as approved by the United States Department of Labor for Nashville and vicinity.

24. That neither the mayor, the metropolitan council, nor any other officer, department, board or commission of the metropolitan government, shall have or exercise any authority whatsoever over the electric power board created under the terms and provisions of this Charter, other and except to the extent herein expressly provided, and the provisions of this article shall prevail over any conflicting provisions appearing in any other article in this Charter.

25. That the revenues derived from the operations of the board shall be applied and used only as follows:

(a) Revenues shall first be used in payment of all current operating expenses, including, without limitation, salaries, wages, costs of materials and supplies, insurance, current and/or power at wholesale, necessary cost of repairs, and all other costs and expenses of maintenance, operation and upkeep.

(b) From remaining revenues the board shall next currently provide for payment of interest accrued on all bonds issued pursuant to the provisions of this Act, and for amortization charges on all such bonds of other indebtedness, and for sinking fund payments thereon, and for which purpose there will be paid monthly or semiannually to the treasurer of the metropolitan government a sum sufficient to pay such interest as the same comes due, and to pay and discharge the principal of said bonds promptly at maturity, and all of which shall be kept by the treasurer of the metropolitan government in a separate sinking fund.

(c) After making provisions for items (a) and (b), the remaining revenues shall be used currently to set up reasonable reserves, but not more than is sufficient for replacements, depreciation, extensions or new construction, for contingencies, and to provide a reasonable amount of cash working capital.

(d) Thereafter, and from remaining revenues, the board shall pay into the general fund of the metropolitan government a return on its investment as authorized and permitted by the then existing contract of the former City of Nashville and/or the metropolitan government with the Tennessee Valley Authority, and also a tax equivalent, in amount to be determined by application of the prevailing municipal tax rate to the value of the property used by the metropolitan government and said board in electric operations, and which tax equivalent may be increased by the board in its discretion, so as to provide a similar tax return for the state or any county, as may be permitted, provided or required by the then existing contract of former City of Nashville and/or the metropolitan government with the Tennessee Valley Authority. All remaining revenues shall be considered surplus and shall serve as a basis for reduction or elimination of surcharges and/or reduction of rates.

26. That the Metropolitan Government of Nashville and Davidson County be, and it is hereby authorized, in its corporate capacity, to issue and sell its bonds, to be signed by the mayor and countersigned by the treasurer of said metropolitan government, and the seal of the metropolitan government to be affixed, impressed, imprinted or reproduced thereon, and attested by the clerk of said metropolitan government, for the purpose of acquiring any existing electric power plant and/or distribution system, or for the purpose of constructing, equipping, maintaining and operating any electric power plant and/or distribution system, or to reconstruct, extend or improve any electric power plant and/or distribution system or systems. The signatures on said bonds of the mayor, treasurer of the metropolitan government and clerk of the metropolitan government may be either manual or facsimile signatures; provided, however, that the signature of at least one of said officials on said bonds shall get a manual signature. Said bonds shall

be revenue bonds, and said revenue bonds may be issued only when the electric power board of the metropolitan government shall determine by resolution duly adopted that the revenues derived from the electric system will be sufficient to pay the principal of and interest on all bonds issued hereunder then outstanding and the bonds to be issued, and to comply with all covenants made with the holders of said bonds then outstanding or to be issued; and provided further, that the rank and priority as between different issues of said bonds shall be as provided in the resolutions or ordinances authorizing such issues of bonds.

27. That the bonds herein authorized shall be payable in lawful money of the United States of America, and shall be executed in denominations of one thousand (\$1,000) dollars. Said bonds shall be issued as serial bonds, maturing in such amounts and at such times not more than forty (40) years from the date of the issuance thereof as the board may determine, and shall bear interest at the rate of not more than six (6%) percent per annum, payable semi-annually, said interest installments to be evidenced by coupons attached to the bonds, which coupons shall bear the printed or lithographed facsimile of the signatures of the mayor and treasurer and clerk of said metropolitan government; and said bonds and coupons shall be payable to bearer and the bonds shall be sold at the best price obtainable, and shall in no case be sold for less than par and accrued interest. Said bonds shall be issued from time to time in such amounts, and shall bear dates as the board shall direct; and it shall be the duty of the mayor and the metropolitan council of the metropolitan government to provide by resolution or ordinance for the issuance of said bonds as directed by said board. Said bonds shall be known as Electric Power Bonds of the Metropolitan Government of Nashville and Davidson County, and said bonds, or any part thereof which the metropolitan government may determine or decide to issue for the purposes, and under the provisions of this article, shall be issued as revenue bonds, payable only out of said revenues of the electric plant and/or distribution system. The mayor of said metropolitan government, with the approval of the metropolitan council, shall have power and authority to sell the bonds issued under the provisions of this article to the Public Works Administration, Tennessee Valley Authority, or any federal agency, at private sale, without any public advertisement. Unless the bonds are sold to a federal agency, said bonds shall be sold at public sale, after being first advertised at least once in a newspaper of general circulation in the entire area of the metropolitan government, and once in some financial journal in New York City, and which advertisement shall be published at least five (5) days before the sale of said bonds, and the board shall have power and authority to hypothecate any or all of

the bonds issued under the provisions of this article, and to borrow thereon funds from the Tennessee Valley Authority, the Public Works Administration, or any other similar government agency or board, or from the bank. Said bonds shall contain a recital that they are issued pursuant to, and in accordance with this Charter, and such recital shall be conclusive evidence of their legality.

28. The metropolitan council may in its discretion call a referendum or election for the purpose of obtaining the approval of the voters of the acquisition or construction by the metropolitan government of any new electric power plants and/or distribution systems but shall not be required to call such election. If such election is called by the metropolitan council, it shall be held and conducted, and ballots shall be prepared in the same manner as is then, provided by law for the holding of general elections under the provisions of the general election laws of the State of Tennessee. The provisions of this section shall be deemed permissive only and no referendum or election shall be required for the acquisition or construction of any new electric power plants and/or distribution system or the issuance of revenue bonds to finance the cost thereof, except in the absolute discretion of the metropolitan council. No referendum or election shall ever be required for the acquisition or construction of additions, extensions or improvements to any existing electric power plants and/or distribution systems or for the issuance of revenue bonds to finance the cost thereof.

29. That in case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes the same as though such officers had remained in office until the bonds had been delivered.

30. That all funds received from sale of the bonds provided for in this article shall be deposited with the treasurer of the metropolitan government and shall be kept in a separate fund, and said board shall have control and supervision of the expenditure thereof. Disbursements shall be made only upon warrants of the board, signed by the secretary, and approved by its chairman, and said fund shall be used solely for the purpose of defraying the cost of acquiring or constructing an electric power plant and/or distribution system, and extension thereof, and the equipment, appliances and appurtenances necessary or appropriate thereto; provided, however, that such money may also be used to pay interest maturing on said bonds during negotiation for the acquiring of any existing electric power plant and/or distribution system, or during the construction of any power plant and/or distribution system, and until the system has been put into operation. The board is au-

thorized to incur expenses for the making of surveys and estimates of cost and of revenues, and to certify the expense thereof to the mayor of said metropolitan government, who shall pay the same from the general funds of the metropolitan government; and such payments from the general funds shall be considered as temporary loans, and shall be repaid, upon sale and delivery of said bonds, out of said bond fund.

31. That the cost of any electric power plant and/or distribution system, or the improvements thereof, shall be deemed to include all necessary expenses of preliminary surveys, estimates of costs and of revenues, and all the cost of acquiring such power plant and/or distribution system or improvements, or of the construction thereof; also the cost of all necessary or suitable property, rights-of-way, easements, and franchises; and also to include interest on bonds issued under this article maturing prior to and during the construction or acquisition of the plant or system, or improvements, together with engineering and legal expenses, expenses for plans, specifications and surveys, administrative expenses and all such other expenses as may be necessary or incidental to the financing of, acquiring or constructing and equipping an electric power plant and/or distribution system or improvements, and the placing of such power plant and/or distribution system or improvements in operation.

32. That no statute, general or special, fixing the maximum indebtedness of the said metropolitan government, or prohibiting the issuance of bonds, notes or other indebtedness, shall apply to or limit the amount of bonds that may be issued or the amount of money that may be borrowed under this article.

33. There is hereby created a statutory mortgage lien upon all the electric system of the electric power board of the metropolitan government, including all power plants and/or distribution systems thereof, and any additions, extensions or improvements thereto, to and in favor of the holders of all revenue bonds issued by the metropolitan government to finance the cost of all or any part thereof. Any holder of any of said revenue bonds may at law or in equity by suit, action, mandamus or other proceedings protect and enforce the statutory mortgage lien hereby conferred, and may by suit, action, mandamus or other proceedings enforce and compel the performance of all of the duties required by this Charter.

34. That in order to secure the payment of revenue bonds issued pursuant to this Article and interest thereon, the metropolitan government shall have the power as to such bonds, to the extent not inconsistent with the mandatory provisions hereof:

(a) After the payment of operating expenses from the gross revenue to pledge all or any part of the remaining

revenue derived from the operation of the electric power plant and/or distribution system to secure the payment of the bonds and interest thereon.

(b) To covenant as to the rates and charges to be imposed and the amounts to be raised in each year by such rates and charges and the use and disposition thereof, and the board shall carry out the provisions of this covenant.

(c) To set aside a reserve or sinking fund and the relation and disposition thereof, and to provide for the redemption of revenue bonds and to provide the terms and conditions thereof.

(d) To covenant and prescribe as to what happenings or occurrences shall constitute "default" and the terms and conditions upon which any or all such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

(e) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(f) To vest in a trustee or trustees the right to receive all or any part of the income assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and, the right to enforce any covenant made to secure, pay, or otherwise in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees, and limiting the liabilities thereof, and describing what occurrences shall constitute default, and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants, and resort to such remedies as may be appropriate.

(g) To make covenants other than, and in addition to, the covenant herein authorized, of like or different character, necessary or advisable to effectuate the purpose of this article.

(h) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.

(i) To provide for the replacement of lost, destroyed or mutilated bonds.

(j) The board shall carry out the agreements and covenants made by the metropolitan government with the holder or holders of revenue bonds as herein provided.

35. That any holder or holders of revenue bonds, including a trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceedings in any court of competent jurisdiction to enforce his or

their rights against the metropolitan government, the mayor thereof, and the electric power board of said metropolitan government, and any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the electric power board and any proper officer, agent or employee thereof to fix and collect rates and charges adequate to carry out any agreement as to electric power plant and/or distribution system revenues.

(b) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holders of bonds.

36. That the metropolitan government shall have power to confer upon any holder or holders of a specified amount or percentage of bonds the right in event of default as may be defined in any agreement with the holder or holders of such bonds or the trustee or trustees therefor:

(a) By suit, action or proceedings in any court of competent jurisdiction to obtain the appointment of a receiver of the electric power plan and/or distribution system or any part or parts thereof. If such receiver be appointed he may enter and take possession of such electric power plant and/or distribution system, or any part or parts thereof and operate and maintain the same, and collect the revenue thereafter arising therefrom in the same manner as the electric power board or the metropolitan government might do, and shall deposit such moneys in a separate account or accounts and apply the same in accordance with the obligations of the metropolitan government as the court shall direct.

(b) By suit, action or proceedings in any court of competent jurisdiction to require the metropolitan government and the electric power board of same metropolitan government to account as if they were the trustee on an express trust.

37. That all revenue bonds issued hereunder, and all interest thereon, and all revenues and other income derived from said electric system and all properties, real or personal, tangible or intangible, moneys and other assets of said electric system or of said electric power board of the metropolitan government shall be exempt from all taxation by the State of Tennessee, or any county, municipality or political subdivision or other taxing agency thereof, and all revenue bonds issued hereunder shall be and constitute eligible securities for the deposit of all state and other public funds, and shall be and constitute legal investments for banks, savings banks, executors, guardians, administrators and other fiduciaries, and for any state, county, municipality or other public funds.

38. That the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other article in this Charter or any other law, and that

bonds may be issued hereunder for the acquisition or improvement of an electric plant and/or distribution system, notwithstanding that any other law may provide for the issuance of bonds for like purposes, and without regard to the requirements, restrictions or procedural provisions contained in any other law.

39. Should any of the terms or provisions of this article for any reason be held invalid, then in that event, to the extent of such invalidity, the exact terms and provisions of article 42 of the Charter of the City of Nashville as it existed at the effective date of this Metropolitan Charter shall be deemed to have been incorporated verbatim in this Metropolitan Charter in lieu of such terms and provisions contained in this article so held invalid.

ARTICLE 43

BE IT FURTHER ENACTED:

1. As used in this section, the term "employee" shall include all persons in the service of the electric power board of the former City of Nashville and/or the electric power board of the metropolitan government, on the effective date of this Charter, and/or subsequent thereto, and the provisions of this article shall apply only to such employees. The civil service and pension provisions appearing in other articles of this Charter shall not apply to the electric power board of the metropolitan government, nor to the metropolitan government when said metropolitan government is acting by and through the electric power board.

For the purpose of administration of civil service and pensions with respect to all employees of the electric power board of the metropolitan government, other than those expressly excluded herein and who shall not be under civil service nor entitled to pension benefits other and except to the extent herein provided, the electric power board of the metropolitan government and the members thereof are hereby constituted and shall be known as the electric employees' civil service and pension board, and shall have exclusive jurisdiction over the civil service and pension provisions in this article to the extent that the same are, or may be applicable to the employees of said electric power board, and to which employees its jurisdiction is expressly limited and confined.

2. The electric employees' civil service and pension board is authorized, empowered, and directed within six (6) months after the effective date of this Charter, to make all reasonable rules as it may deem necessary from time to time for the government of the employees of the electric power board of the metropolitan government, other than those expressly excluded in this article, and for carrying into effect the provisions, objects, and purposes hereof, expressly including the right to make all necessary and

proper rules as to employment, discharge, compensation and classification of employees of the electric power board of the metropolitan government, in connection with these matters, and for promotion, transfer, and assignment; with reference to the granting of leaves of absence and the conditions thereof, and for all other purposes which are necessary and proper, or reasonably calculated to carry into effect the provisions hereof. The electric employees' civil service and pension board shall furnish to each employee a copy of said rules upon request therefor. Until such time as said rules are adopted by the electric employees' civil service and pension board, the existing rules of the electric employees' civil service and pension board pursuant to article 43, chapter 146, Private Acts of 1947, shall remain in full force and effect.

3. The chairman of the electric power board of the metropolitan government shall act as chairman of the electric employees' civil service and pension board and said civil service and pension board shall have the right to elect from among its own members a secretary who shall keep the records of its proceedings, or it may employ a secretary for that purpose and fix his salary and prescribe his duties, or may constitute the secretary, or any assistant secretary of the electric power board of the metropolitan government secretary of the electric employees' civil service and pension board and may fix his compensation, or additional compensation, and prescribe the duties of the office.

4. For the purpose of investigating the conduct of any employee of the electric power board of the metropolitan government, the electric employees' civil service and pension board shall have the power to issue subpoenas, compelling the attendance of witnesses, the production of books, papers, and other documentary evidence, and to punish by contempt proceedings any person failing or refusing to answer or obey said summons to give or produce testimony before said electric employees' civil service and pension board.

The electric employees' civil service and pension board shall have power to fine and imprison any persons guilty of such contempt; provided such punishment shall not exceed a fine of fifty (\$50) dollars and imprisonment until the offending person shall give or produce the testimony and evidence required by said board.

The electric employees' civil service and pension board shall file an annual report with the mayor of the metropolitan government containing a general statement of its actions for the preceding year and its rules. A copy of said report shall be filed with the clerk of the metropolitan government not less than five (5) days prior to the last metropolitan council meeting in June of each year, and shall be available for public inspection.

5. Any expenses incident to the operation of the electric employees' civil service and pension board shall be paid out of the revenues of the electric power board of the metropolitan government, and said electric power board shall make provisions therefor in such manner as it may deem necessary or proper and shall promptly pay the same, either on a budget basis, or as incurred by said board when acting as said electric employees' civil service and pension board, all necessary and proper records being kept and maintained for this purpose separate and distinct from the records of the electric power board of the metropolitan government.

6. All applications for employment by or with the electric power board of the metropolitan government shall be filed with the secretary of the electric employees' civil service and pension board, and shall be in such form and shall contain such information as may from time to time be required by the rules and regulations of said civil service and pension board.

The electric employees' civil service and pension board may examine applicants or cause them to be examined under its rules and regulations in regard to suitability, physical fitness, and other qualifications, as it may from time to time deem necessary or proper. Said board shall establish and maintain eligible lists for the various classes of positions. On each such list the eligibles shall be ranked in the order of their ratings earned in the examinations. Each person who has thus been examined shall be given written notice of his earned rating and of his relative standing on the eligible list, or of his failure to attain a place on said list.

No question in any form or application, or in any examination, shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall entry be made concerning such opinions or affiliations, and all disclosure thereof by any applicant shall be discountenanced. No discrimination whatsoever shall be exercised, threatened, or promised in favor of or against any applicant for employment because of his or her political or religious opinions or affiliations.

In connection with any application for employment to any office or position with the electric power board of the metropolitan government, the electric employees' civil service and pension board may require such certificate of citizens or others having knowledge of the applicant as may be deemed necessary and proper. The electric employees' civil service and pension board, or other examining agent under this article, may refuse to examine an applicant, or, after examination, may refuse to accept an applicant as eligible, if said applicant be determined in any manner to have failed to have complied with the rules of said board, or who for any reason determined by the board

is found to be unfit for election, appointment or employment.

All persons other than temporary employees employed by the electric power board of the metropolitan government, after the effective date of this Charter, shall be selected from a list of eligibles to be kept for that purpose by the secretary of the electric employees' civil service and pension board, and which list shall be furnished to the electric power board of the metropolitan government, or the general manager, upon notification that any appointment or employment is to be made to a civil service position by the electric power board.

Whenever the electric power board of the metropolitan government deems it necessary or proper that any person or persons should be employed to do or perform any work of a temporary nature, or temporarily employed on regular or routine work, it shall not be necessary to comply with the civil service requirements of this article. Such persons shall be considered temporary employees only, and shall not be subject to the conditions, limitations, and requirements of the civil service and pension provision hereof, nor entitled to the benefits, except as hereinafter provided.

7. Every position or employment by or with the electric power board of the metropolitan government shall be deemed to be a civil service position, and every employee of said board shall be deemed to be a civil service employee with the exception of temporary employees, and shall include the present employees of said board and all future employees, and all officers and agents, except that members of the electric power board of the metropolitan government, the general manager, assistant general manager, and the secretary are expressly excluded from the provisions hereof with reference to civil service, and none of said persons, nor the positions which they fill, shall be deemed or considered as under the provisions of civil service.

The board may, within its discretion, by its rules provide for a working test for every person appointed after the effective date of this Charter, to a civil service position, the period of such working test not to exceed six (6) months from the date of appointment. Until the end of such working test period, said employee is defined as a temporary employee only, and shall not be subject to the conditions, limitations, and requirements of the civil service and pension provisions of this article, nor entitled to the benefits thereof except as hereinafter provided.

8. No employee shall be called upon by any officer, agent or employee of the metropolitan government for any contribution or assessment to any political organization or any member of any committee thereof, nor shall any employee be allowed to solicit any contribution or to sell any tickets or to procure any money by any device from any

party, directly or indirectly, or to give or promise any party any office, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons; no employee shall appear at the polls at any election, primary or general, wearing a badge indicating support of any candidate, ticket, or measure in such election, nor hand out or distribute any literature concerning any candidate, ticket, or measure involved in such election, nor seek in any other manner to use his position as an employee of the electric power board to influence any voter.

The above offenses are hereby defined as political activity. For all such offenses by employees, the electric employees' civil service and pension board shall inflict such punishment as in its discretion the offense merits, subject to review as herein provided.

Nothing herein is intended to abridge the right and power of the board to create or define other offenses or to try or punish employees of the electric power board of the metropolitan government, for any offense or misconduct committed by them.

9. The electric employees' civil service and pension board shall hold at least one regular meeting in each month, and such special meetings as may be deemed necessary or proper. A special meeting may be called at any time upon the request of the chairman or any two members of the board. Three members of the board shall constitute a quorum for the transaction of all business.

10. Charges against any employee of the electric power board of the metropolitan government may be preferred by any person except a member of said board. Upon charges being preferred against any employee, such employee in the discretion of the general manager, may thereupon be suspended, pending disposition thereof.

Charges against employees of said electric power board shall be filed or brought exclusively before the electric employees' civil service and pension board. Any charges filed against any employee shall be in writing, and shall be filed in such form and manner as the board may by its rules from time to time prescribe. A copy of any such charges shall be furnished the accused employee at least fifteen (15) days prior to the trial. Said charges, or any amendment thereto, shall plainly and specifically set forth the offense or offenses charged, and shall be recorded by the board in a record kept for that purpose.

The electric power board of the metropolitan government shall have the power at any time but not more than twice in any twelve months, temporarily to suspend without pay any employee for a period not to exceed ten (10) calendar days without disciplinary charges being filed against such employee. If the offense is other than a minor

one where suspension would not be a sufficient disciplinary measure, then charges must be filed.

11. Upon any charge against any employee being filed with said board, it shall, according to its own rules, determine the merits thereof and reduce its findings to writing, and may either suspend, dismiss, or otherwise punish the employee against whom such charge is made. All punishment inflicted by said board shall be entered in a journal kept for that purpose, and the board shall thereupon notify the general manager of the electric power board of the metropolitan government of any and all dismissals from office or other punishment inflicted, and said electric power board, or the general manager, shall thereupon appoint or employ another suitable person to fill the vacancy thus created.

Any such employee who is dissatisfied with the decision of the electric employees' civil service and pension board shall have the absolute right at any time within thirty (30) days to appeal the case to the circuit court of Davidson County, where it shall be tried de novo, or said employee may, if he prefers, file petition for certiorari and otherwise follow the procedure set out in sections 27-901 to 27-913, inclusive, Tennessee Code Annotated.

Any civil service employee who feels that he has any just complaint in connection with his employment, shall have the right at any time to submit the matters to said board for hearing and determination. All such submissions shall be in such form as may be prescribed by the rules of the board, and shall be tried in the same manner as complaints against employees.

12. No employee of the electric power board of the metropolitan government, except temporary employees and provisional employees, shall be discharged, suspended for more than ten (10) days nor oftener than twice in any twelve (12) months, or otherwise punished except for just cause and after the filing of charges and trials as hereinbefore provided.

13. Said board shall ascertain the duties, authority, and responsibilities of all civil service positions, and group all such positions into classes based upon their duties, authority, and responsibilities, and allocate each position to the appropriate class in the classification plan. The board shall adopt a pay plan which shall include, for each class of positions, a minimum and a maximum rate, and intermediate rates. In establishing such rates the board shall give consideration to the qualifications and experience required for such positions, the prevailing rates of pay for the services performed and for comparable services in the various departments of the metropolitan government and in other public and private employment.

Amendments in the classification plan and the pay plan may from time to time be made by the said board.

14. The said board shall establish a system of service ratings for the employees. Such service ratings and seniority shall be the principal factors in determining the order of promotion, layoffs, abolition of positions, and reemployment.

15. The electric power board of the metropolitan government shall provide pensions and other benefits for its employees, other than those expressly excluded under this Section as follows:

(a) Said board shall provide and carry, either as a separate fund or reserve or by way of insurance, workmen's compensation for all of its employees, the benefits of which shall not be less than those provided from time to time by the Workmen's Compensation Law of Tennessee.

(b) Whenever any employee of the electric power board of the metropolitan government, whether such employee is under civil service or not, shall in the line and course of his employment and in the actual discharge of the duties of his position, sustain personal injuries by external and violent means or by accident, resulting in the death of such employee within twelve (12) months from the time such personal injury was sustained, said board upon allowance of claim, as herein provided, shall pay to the surviving spouse of such employee, if he leaves a surviving spouse, or to the personal representative of such employee if he leaves no surviving spouse, for the benefit of the minor child or children of such employee, if he leaves minor child or children surviving him, or to the personal representative of such employee for the benefit of the estate of such employee, if such employee leaves surviving him no minor child or children or spouse, the sum of one thousand (\$1,000) dollars; provided, however, that no such payment shall be made in the case of death of any such employee where the personal injuries resulting in his death were due to the wilful misconduct, intoxication, use of narcotic drugs, or disobedience of orders on the part of such employee, or were intentionally self-inflicted by such employee, or the death of such employee was due to any sickness or disease of such employee, and, provided that written notice of such personal injuries shall be given to the said board, or to the general manager, within thirty (30) days after such personal injuries were sustained.

Upon any notice being given under this provision, said board shall, under its rules, make or cause to be made a full investigation of the facts relevant to the claim and shall determine whether or not the claim is legally and properly payable. The decision of said board on all questions of fact involved in any such claim under the provisions of this article shall be final and shall be subject to review only for illegality or want of jurisdiction.

Payment of said sum of one thousand (\$1,000) dollars upon any claim allowed hereunder shall be at the rate of

three hundred (\$300) dollars in cash at the time the claim is allowed, and the balance of seven hundred (\$700) dollars be paid fifty (\$50) dollars per month thereafter for fourteen (14) consecutive months, and, provided that all payments made pursuant hereto shall be free from the claims of creditors and shall not be subject to attachment, garnishment or other process of law.

(c) The electric power board shall provide such pension benefits as in its judgment and discretion may properly be provided from the revenues of the board, to be either by an insurance program in standard recognized forms of insurance, or by way of special funds or reserves, all consistent with the contract between the former City of Nashville and/or The Metropolitan Government of Nashville and Davidson County and the Tennessee Valley Authority, dated as of May 4, 1939, and subsequent contracts, and the provisions of this Charter, and provided that any such pension provision shall be according to the rules of said board, and upon such plans as it may prescribe.

(d) Such other insurance as the revenues of the board may justify, and as it may determine to be the best interest of employees, may be also provided.

16. The electric employees' civil service and pension board shall have the exclusive right to fix and determine all matters relating to the granting or revoking of pension or other benefits to or for all employees of the electric power board of the metropolitan government, and upon the terms and conditions prescribed by this article.

17. The electric power board of the metropolitan government shall have exclusive authority to determine the amount, extent, and nature of the benefits and pensions to be provided for its employees, in conformity with this Charter and said contracts with the Tennessee Valley Authority; provided, that any time which may be lost while serving in the armed services, shall not be counted against such person in computing the length of time of service.

In order to provide benefits and pensions under this article, the electric power board of the metropolitan government shall have the right to acquire contributions from its employees, other than temporary and provisional employees, not to exceed five (5%) percent of the salary of each employee, said five (5%) percent to be in addition to any employee contribution with reference to Social Security and/or old age benefits. The amount to be fixed by resolution of the electric power board and to be deducted from the salary or compensation of said employees each pay period, and all other and further expenses of providing said benefits and pensions shall be paid from the revenues of said board.

Refund of any contribution made by employees and the payment of all benefits or pensions shall be determined according to this article, the rules, and contracts of said

electric power board of the metropolitan government; provided that such rules and contracts shall be uniform as to all employees of the same class or condition and no discrimination whatsoever shall at any time be made.

The members of the electric power board of the metropolitan government are expressly excluded from the provisions of this article.

18. Any fund established or created by the electric power board of the metropolitan government for the purpose of carrying out the insurance or pension provisions of this section and under the rules and regulations of said board shall be kept in a separate fund and shall only be disbursed upon the judgment and determination of the electric employees' civil service and pension board under its rules and regulations.

19. That this article shall be liberally construed and interpreted, and the persons who on the effective date of this Charter have, for at least six (6) months immediately prior thereto, been employees of the electric power board of the former City of Nashville, created pursuant to chapter 246, Private Acts of 1947, as amended, are hereby appointed and designated to the corresponding positions or employments under this Charter and shall serve and discharge the respective duties of the corresponding respective positions or employments under this Charter until they shall be removed or discharged in conformity with the provisions of this article, or until their respective positions or employments are otherwise vacated. Provided, that no corresponding respective civil service office, employment or position provided for or created under the provisions of the preceding article of this Charter, may be vacated except pursuant to and in conformity with the civil service provisions of this article.

20. Should any of the terms or provisions of this article for any reason be held invalid, then in that event, to the extent of such invalidity, the exact terms and provisions of article 43 of the Charter of the City of Nashville as it existed at the effective date of this Metropolitan Charter shall be deemed to have been incorporated verbatim in this Metropolitan Charter in lieu of such terms and provisions contained in this article so held invalid.

Appendix Four. Transit Authority.

Editor's note.—This Appendix consists of Article 64 of the Charter of the former City of Nashville, as added by Private Acts 1953, chapter 487, and as amended by Private Acts 1955, chapter 307, and Private Acts 1957, chapter 165, with modifications limited to those changes necessary and proper to constitute the transit authority an agency of the metropolitan government.

ARTICLE 64

1. (a) There is hereby created and established an agency of the metropolitan government to be known as the metropolitan transit authority, sometimes hereinafter designated as transit authority. The transit authority shall be composed of five (5) members, and all of said members shall have been residents of the metropolitan government area for at least three (3) years prior to their becoming members of the metropolitan transit authority. No person shall be eligible as a member of the metropolitan transit authority who holds any other elective or appointive public office or employment or who is employed by or has financial interest in a transit company regulated by said transit authority of the metropolitan government.

(b) The terms of office of all members, except the original members hereinafter named and except those elected to fill unexpired terms, shall be five (5) years, with staggered terms, so that the term of one (1) member shall end on May 1st of each year, beginning with 1954.

(c) The original members of the transit authority shall be appointed by the mayor of the City of Nashville on or before May 15, 1953. One (1) of said members so appointed shall serve until May 1, 1954, one (1) shall serve until May 1, 1955, one (1) shall serve until May 1, 1956, one (1) shall serve until May 1, 1957, and one (1) shall serve until May 1, 1958. Vacancies in membership of the transit authority resulting from expiration of office or otherwise, shall be filled by appointment by the metropolitan mayor. Any successor member shall have the same qualified voter status as his predecessor.

(d) Three (3) members of said transit authority shall constitute a quorum for the transaction of business. The affirmative vote of a majority of a quorum shall be necessary to take any action or to adopt any motion.

(e) The first meeting of said transit authority shall be held on or before May 25, 1953, at a time and place designated by the Mayor of the City of Nashville, on notice of such meeting given to the members of Nashville Transit Authority and to the present secretary of Nashville Public Utilities Commission. At such meeting, or at an adjourned meeting, said transit authority shall organize by selecting one (1) of its members as chairman and another as vice-chairman, who shall serve as such until May 1, 1954, at which time and annually thereafter the authority shall elect or re-elect its chairman and vice-chairman. At such meeting, or at an adjourned meeting, said transit authority shall appoint a secretary, who need not be a member thereof.

(f) The secretary shall be a licensed and practicing attorney at the Nashville Bar of not less than five (5) years' experience, and not less than thirty (30) years of age. The secretary shall devote such time as may be neces-

sary to its duties, but he may engage in the practice of his profession so long as such practice does not interfere with the performance of his duties as secretary of the transit authority. The secretary shall not appear as counsel in any cause or matter pending before any court or administrative agency wherein any street railway company subject to the jurisdiction of the transit authority is a party, nor shall the secretary accept employment, directly or indirectly, from any street railway company which is subject to the jurisdiction and control of the transit authority. The secretary shall keep himself advised of all matters and questions pending before the transit authority, and shall furnish any information required when requested to do so by members of the transit authority. The duties of the secretary shall be fixed by the transit authority; provided, however, that any such secretary having acquired a civil service status with the City of Nashville shall keep and maintain such status, with all the rights, benefits and obligations incident thereto.

(g) Metropolitan transit authority shall hold public meetings once each month, at a place, and on a day, and at an hour to be determined by its members, with suitable prior public announcement or notice thereof. Upon request of the transit authority, the metropolitan mayor shall make available to the transit authority a meeting place in a metropolitan building at a convenient location, where such meetings may be held, and where any hearings conducted in connection with the exercise of its duties and fulfillment of its obligations by the transit authority likewise may be held and conducted. The transit authority shall hold such additional meetings as its business may require.

2. (a) The following terms, wherever used or referred to in this Act, shall have the following respective meanings unless a different meaning clearly appears from the context:

1. "Metropolitan transit authority" or "transit authority" or "authority" shall mean the municipal regulatory agency established under the terms and provisions of chapter 487, Private Acts of 1953, amending chapter 246, Private Acts of 1947, the same being the Charter of the City of Nashville, in compliance with chapter 58, Public Acts of 1953.

2. "Metropolitan council" shall mean the governing body of the metropolitan government as presently or at any time hereafter constituted.

3. "Metropolitan government" shall mean the Metropolitan Government of Nashville and Davidson County.

4. "Metropolitan treasurer" shall mean the treasurer of the metropolitan government, or the person holding the successor office in the metropolitan government charged with the supervision of and responsibility for the receipt, custody and disbursement of all funds belonging to the

metropolitan government and all funds collected by city officials as agents or trustees.

5. "Public transportation facilities," "public transportation properties," or "public transit facilities" shall include all the real and personal property, buildings and improvements, street railway cars, self-propelled motor coaches, trolley coaches, mass transportation vehicles for the transportation of passengers, accessory vehicles, materials, tools, supplies, equipment, and other real and personal property necessary, useful and suitable in the operation of a public transit system.

6. "Garage facilities" shall include the buildings and improvements, and all other real property at any time leased, owned, acquired or erected for office, garage, maintenance, service, storage and terminal facilities, and necessary, useful and suitable for a public transit system.

7. "Transit facilities" shall include street railway cars, self-propelled motor coaches, trolley coaches and other mass transportation vehicles for the transportation of passengers, accessory vehicles, material, tools, supplies and equipment, and other personal property at any time leased, owned or acquired and necessary, useful and suitable in the operation of a public transit system.

8. "Public transit system" shall include public transportation facilities as herein defined, together with all contractual rights, franchises, certificates of convenience and necessity, operating permits, and operating rights over streets and highways.

9. "Bonds" shall mean any bonds, interim certificates, notes, debentures or other obligations of the transit authority issued pursuant to this Act.

10. "Bond resolution" shall mean any resolution authorizing, ratifying or affecting any bonds, interim certificates, notes, debentures, or other obligations of the transit authority issued pursuant to this Act.

11. "Mortgage" shall include all deeds of trust, mortgages or other instruments conveying real or personal property as security for bonds, and conferring right to foreclose and cause a sale thereof according to the terms of any such instrument.

12. "Trust indenture" shall include instruments pledging: (i.) revenues of real or personal properties, but not conveying such properties or conferring the right to foreclose and cause a sale thereof; (ii.) revenues from the operation of a public transit system or any part, parcel or piece thereof; and (iii.) revenues of the "authority" from any source which may be described in such instruments.

13. "Street railway companies" shall mean companies operating street railway cars, gasoline or electric or other self-propelled coaches for transportation of passengers within the jurisdictional limits of metropolitan transit au-

thority, which is within the general services district of the metropolitan government.

14. "Public transit company" or "transit company" shall mean a company operating a public transit system within the jurisdictional limits of the transit authority, and the terms are synonymous with the words "street railway company" as above defined.

(b) The metropolitan transit authority is hereby vested with, and shall exercise the general supervision and regulation, jurisdiction and control over street railway companies, their property, property rights, facilities and franchises as were vested in the City of Nashville under section 5447.1, Supplement to the Code of Tennessee, 1950, and any amendatory Acts thereto, and as have been vested in the metropolitan government by the other terms and provisions of this Charter of the metropolitan government, or by any other Public Act or Private Act of the General Assembly of Tennessee. Metropolitan transit authority shall have the same powers with respect to street railway companies operating within the jurisdictional limits above defined, as heretofore granted to the City of Nashville, to the governing body thereof, to the metropolitan government, to the governing body thereof, or to the railroad and public utilities commission; provided, however, that nothing herein shall be construed to change the method of assessing the properties of street railway companies for ad valorem taxes by the railroad and public utilities commission, and such assessments and the method of taxation of said companies, shall remain as now provided by law; provided further that any property of the metropolitan government or of metropolitan transit authority leased to or used by a street railway company shall not be subject to assessment by the railroad and public utilities commission.

(c) The entire and complete supervision, regulation, jurisdiction and control over street railway companies operating within the metropolitan government area, shall be vested solely in and exercised solely by the transit authority. With reference to public transit systems, all power and authority heretofore delegated to or vested in the City of Nashville or the metropolitan government and all duties placed upon the metropolitan government, either by its Charter, or by Private Act or by general law, are hereby transferred to and vested in the transit authority. Neither the metropolitan mayor, the metropolitan council, nor any other officer or agency of the metropolitan government shall have or exercise any authority whatsoever over such street railway companies or over the transit authority, except as expressly provided in this article 64. Whenever any action of the metropolitan mayor and metropolitan council or thing affecting the ownership, operation, contracts, notes, stocks, debentures, financing, transfer, assignment,

rental or sale of any street railway company, its property, property rights, franchises, permits or certificates, or any amendment thereto shall have been required heretofore by resolution or ordinance, same shall be acted upon and effective hereinafter by order of metropolitan transit authority; provided, however, that no franchise to operate a street railway company upon the streets of the metropolitan government area shall be granted except upon referendum, as set forth under other provisions of this Charter; and provided further, that nothing herein shall be construed as depriving the citizens of the metropolitan government area of the right to grant franchises by referendum through the procedure now established by law.

(d) The metropolitan attorney shall furnish legal advice, representation and services to the transit authority in connection with its work, and when requested to do so by said transit authority. Whenever in the judgment of the transit authority the public interest so requires, special counsel, auditors or transit experts shall be employed and paid such compensation for their services as the transit authority shall determine to be reasonable compensation for services rendered, the same to be paid, however, out of the funds available for defraying the expenses of the transit authority.

(e) Every street railway company, the supervision and regulation, jurisdiction and control over which is vested in the transit authority, shall pay an inspection fee to the transit authority, the same to be used by the transit authority in defraying its necessary expenses. The payment of such inspection fee shall be in lieu of any inspection fee heretofore levied, paid or payable, by such street railway company to the State of Tennessee, the railroad & public utilities commission, the metropolitan government, or for the benefit of the Metropolitan government. The annual inspection fee payable under this article 64 shall be at the rate fixed by order of metropolitan transit authority, not to exceed \$2.50 per seat, per vehicle, used in the transportation of passengers by such street railway company. The annual inspection fee shall be paid in semiannual installments in the months of June and December of each year for the current year, beginning in June, 1953. All funds now in the public transportation fund of the City of Nashville are hereby transferred and set over to the account of metropolitan transit authority of the purpose of payment of expenses of such authority as herein provided.

3. (a) Members of the transit authority shall serve without compensation, but may have refunded to them the necessary and essential expenses incurred by them in carrying out their duties.

(b) In the exercise of its duties of supervision and regulation, jurisdiction and control over street railway companies, the transit authority is authorized to employ

appropriate personnel, and to designate the duties and salaries of such personnel, and to incur any and all other necessary expenses incident to the exercise of the duties of the transit authority. The individuals employed by Nashville Transit Authority at the effective date of this Charter as secretary to Nashville Transit Authority and as bus inspectors for Nashville Transit Authority shall become employees of metropolitan transit authority and shall continue to perform the duties heretofore performed by them at their respective salaries until their duties and compensation are otherwise fixed and determined by metropolitan transit authority.

(c) The secretary of Nashville Transit Authority and the bus inspectors for Nashville Transit Authority under the preceding paragraph, presently having a civil service and retirement status as employees of the transit authority shall keep and maintain such civil service and retirement status and shall be entitled to all the rights, privileges, obligations and benefits thereof. Regular employees of metropolitan transit authority hereafter employed, either to replace such secretary or such bus inspectors or as additional employees shall be entitled to the same pension, retirement, disability and death benefits under the same conditions as other persons employed by metropolitan government after the effective date of this Charter; provided, however, that such future regular employees of metropolitan transit authority shall be excluded from the provisions of article 12 of this Charter, establishing the system of personnel administration.

4. (a) Metropolitan transit authority is authorized and empowered to make all reasonable rules and regulations appropriate to the exercise of its jurisdiction and powers and to its functioning as an effective administrative or regulatory agency. The rules and regulations of Nashville Transit Authority shall constitute the rules and regulations of metropolitan transit authority until the transit authority adopts and promulgates its rules and regulations.

(b) The transit authority may designate its secretary as an examiner, or any other person possessing the qualifications herein fixed for the secretary as an examiner, and by its rules and regulating may delegate to such an examiner the power to receive petitions and complaints, to investigate the same, to conduct hearings, and to receive evidence orally, by deposition, or by stipulation, and to make findings and recommendations. All findings or recommendations of such examiner shall be subject to the right of any interested party to except thereto, and to be heard by the members of the transit authority upon the record, and upon such exceptions, any interested party so requesting in writing shall have the right to a hearing de novo before the transit authority. No recommendations of such examiner shall constitute final action until approved

and adopted by order of the transit authority subsequent to the receipt of a report from said examiner.

(c) Upon any investigation or hearing involving the fixing of rates to be charged by a street railway company, metropolitan transit authority shall give full and due consideration to all factors pertinent thereto in arriving at fair and reasonable rates and to various methods of rate determination, including the theory of operating ratio after taxes, to the end that the company shall be permitted to have and to receive from efficient operation a fair and reasonable net profit or return.

(d) No final order shall be entered by the transit authority in any manner affecting any street railway company operating under its jurisdiction until after reasonable notice and full hearing, at which all interested parties shall be afforded the opportunity of being represented by counsel.

(e) Any interested party shall be given the opportunity to intervene, and to present evidence, and to be heard at any such hearing. Any party desiring to have a written record made may employ the services of a court reporter at the expense of that party. Any party desiring a transcript of such record shall pay the costs thereof at the record shall pay the costs thereof at the regular established rate for the transcription of stenographic records of proceedings in the circuit and chancery courts of Davidson County.

(f) The power to issue subpoenas for the personal appearance and testimony of witnesses, and subpoenas duces tecum for the production of documents in connection with the taking of evidence is vested in metropolitan transit authority, such subpoenas to be issued over the signature of the chairman or vice-chairman upon application to the secretary. Upon failure of any person to appear in response to such subpoenas, or to produce documents as therein required, metropolitan transit authority, through its secretary and chairman, or vice-chairman, may apply to any circuit or chancery court of Davidson County, Tennessee, by petition, for the enforcement of its subpoena. Upon order being entered by the court to which such application is made directing the appearance of the witness, or the production of the documents in response to the subpoena, the failure to comply with the order of the court shall be punishable by the court as in cases of contempt.

(g) Any final order of the metropolitan transit authority shall be subject to review under sections 9008-9018, inclusive, of the Code of Tennessee.

5. (a) For the purpose of securing, maintaining, and facilitating efficient and economical public transportation in the metropolitan government area within the regulatory jurisdiction of metropolitan transit authority, the authority shall have and exercise all of the powers heretofore conferred upon it and likewise shall have and exercise

all of the powers conferred by this Act, except the power to issue bonds. With reference to the issuance of any bonds within the limitations hereinafter provided, the authority shall determine the necessity for the issuance of such bonds which shall be revenue bonds, shall evidence such determination by resolution, and upon the submission of any such resolution of the authority to the metropolitan council it shall be the duty of the metropolitan mayor of the metropolitan government and the metropolitan council to provide by resolution for the issuance of such revenue bonds as directed by the authority. Such resolution of the metropolitan council may be adopted at the same meeting at which it is introduced, as any other resolution of the council is adopted, and shall take effect immediately, and need not be published or posted.

(b) All properties, rights and things acquired by or for the authority under the provisions of this Act shall be acquired, held, owned, transferred and conveyed in the name of the metropolitan government. Such properties and rights are hereinafter sometimes referred to as property of the authority, owned by the authority or in which the authority has a transferrable interest. All agreements, contracts, transfers, and conveyances in connection therewith shall be made and executed by the authority in the name of the metropolitan government, and all such contracts, agreements, transfers and conveyances shall be signed by the chairman or vice-chairman of the authority and attested by the secretary or assistant secretary and shall need no further approval than that of the authority. Neither the metropolitan mayor, the metropolitan council nor any other officer, department, board or commission of the metropolitan government shall have or exercise any authority whatsoever over metropolitan transit authority other than, and except to the extent expressly provided herein.

6. (a) The authority, in addition to the regulatory powers heretofore vested in it, and subject to the provisions of the preceding paragraphs 5. (a) and (b), shall have and exercise the following powers and authority:

1. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of authority.

2. To make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act.

3. To own in the name of the metropolitan government and to operate a public transit system.

4. To acquire by gift, lease, purchase or otherwise and to own public transportation facilities in the name of the metropolitan government.

5. To own, acquire by gift, lease, purchase or otherwise in the name of the metropolitan government, and to

replace, construct, reconstruct, improve, alter or repair garage facilities.

6. To own, acquire by gift, lease, purchase or otherwise in the name of the metropolitan government, and to replace, improve, alter, or repair transit facilities.

7. To lease, sell or convey to public transit companies for public transit purposes all or any part of the public transit system, public transit facilities, garage facilities, or transit facilities owned by the authority in the name of the metropolitan government, or in which the authority has a leasehold interest, equity or other possessory right which it may transfer or assign.

8. To enter into operating contracts and agreements with public transit companies for the use and operation of public transportation facilities, garage facilities, or transit facilities, owned by the authority in the name of the metropolitan government, by such companies in furnishing public transportation.

9. To lease, sell, transfer and convey, or otherwise dispose of public transportation properties, garage facilities, or transit facilities owned by the authority in the name of the metropolitan government, or any part, parcel, or piece thereof, when the same no longer is used or useful for public transportation purposes.

10. To insure and provide for the insurance of property or operations of the authority against such risks as the authority may deem advisable and to require parties, with whom the authority contracts, to do so.

11. To borrow money upon bonds, notes, debentures or other evidences of indebtedness issued as herein provided in the form of either long term or short term debt and to secure the same by pledges of revenues of the authority from any source in whole or in part, and by vendor's liens, mortgages, deeds of trust, chattel mortgages, conditional sales contracts, or equipment trust obligations, upon property held or to be held by the authority in the name of the metropolitan government, and in any other manner.

12. To pledge rentals received by virtue of any lease with any public transit company as security for the payment of bonds issued under this Act.

13. To contract with public transit companies operating within the metropolitan government area and under the jurisdiction of metropolitan transit authority, for the payment of a percentage of the gross receipts of such public transit companies in lieu of the payment of a percentage of the gross receipts to the metropolitan government provided for by general law.

14. To expressly pledge such percentage of gross receipts so contracted to be paid in lieu of the payment of the tax levied by general law, as security for the payment of any bonds issued under this Act and if not so pledged to

use the same for the general purposes set out in the following paragraph, or to relieve public transit companies of such gross receipts payments.

15. To enter into an agreement with any public transit company operating under its jurisdiction, placing a limitation upon earnings of such company, providing for the deposit and holding of any amounts in excess of such limited earnings, establishing fare regulator funds in connection therewith, securing minimum earnings to any such public transit company, and providing for the use and disposition of excess amounts for reductions of transit fares collected by such public transit company, or for retirement of debt created under this Act upon any property owned by the authority in the name of the metropolitan government and used by such public transit company by contract with the authority.

16. To agree to limitations upon the right of the authority to dispose of any public transportation facilities, garage facilities, transit facilities, or any part, piece, or parcel thereof in connection with any loan.

17. To require investment of any funds held to the credit of the authority, in reserve, sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control.

18. To exercise the power of eminent domain in the name of the metropolitan government in order to acquire garage facilities, acting in accordance with the provisions of sections 3109 to 3134, inclusive, of the Code of Tennessee, and any amendments thereto, or pursuant to any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

19. To execute and deliver in the name of the metropolitan government leases, deeds, mortgages, deeds of trust, chattel mortgages, conditional sales agreements, or equipment trust notes or other instruments evidencing liens upon public transportation properties, garage facilities, transit facilities, or parts, pieces or parcels thereof, acquired by the authority and securing the payment of the purchase price, but not to pledge the credit of the metropolitan government.

20. To accept from others in connection with transfers or conveyances by the authority or contractual agreements between the authority and others, leases, bills of sale, deeds, mortgages, deeds of trust, chattel mortgages, conditional sales agreements, equipment trust notes, or other instruments evidencing liens upon property transferred by the authority and securing the purchase price thereof.

21. To receive from the metropolitan government or any agency thereof any funds paid by said metropolitan

government or any agency thereof for the use of the transit authority in carrying out the purposes of the authority.

22. To do all things necessary and convenient to carry out the purposes of this Act.

(b) The maximum effective period for any contract or agreement between the authority and any public transit company hereafter entered into shall be thirty (30) years from and after the date of such agreement, or the expiration date of the franchise of such transit company, whichever period is lesser. In the case of a public transit company holding an indefinite or perpetual franchise, that is, with no limitation date fixed, the limitation of thirty (30) years shall be applicable. In the absence of any effective period fixed in any such agreement, the maximum period herein provided shall be applicable. From time to time any such agreement may be amended or altered by further agreement between the authority and such company. Any agreement heretofore entered into between the authority and any public transit company operating under its jurisdiction and in effect at the date of this enactment, which would have a valid and binding agreement under this Act, shall be valid and binding as though this Act had been in effect at the time such agreement was made; provided, that the limitation of years as herein fixed shall not become operative as to agreements heretofore made except upon agreement between the authority and any such public transit company.

(c) The provisions of any agreement or contract entered into between the authority and a public transit company as herein provided, or any amendment thereof, and the provisions of any lease, sale, or operating agreement negotiated or entered into as herein authorized, shall not be considered as a purchase by the metropolitan government of a public utility or the sale, lease or disposal of a public utility belonging to the metropolitan government, under the provisions of article 13, subparagraph 36 of this Charter, nor shall the provisions of any such contract, lease, sale, or operating agreement be considered as a public utility franchise or as a renewal, extension or amendment thereof; nor shall the same be considered as an acquisition by condemnation, or otherwise, of property of a public utility. No ordinance nor resolution of the metropolitan council, and no referendum shall be required under the provisions of this Charter or under the provisions of the laws of the State of Tennessee to make any such contract, lease, sale or operating agreement valid, effective and binding, but the same shall be valid, effective and binding upon agreement between the authority and the public transit company without further approval.

(d) The metropolitan government in no wise shall be responsible for the performance of any agreement by the authority or for the payment of any amounts agreed to be

paid by the authority in the exercise of any of the powers herein given the authority. Persons, firms or corporations contracting with the authority in the name of the metropolitan government shall be deemed to have acted with full knowledge of this and all other terms of this Act.

(e) Funds, fees, charges, rentals and revenues received by the authority shall be paid to and received by the metropolitan treasurer of the metropolitan government and kept by him to the credit of the authority in separate accounts, wherever separate accounts are required. Funds which are pledged to secure the payment of any obligation, indebtedness, or evidence of indebtedness of the authority, will not be commingled with any other fund of the authority, except by agreement with the holders of such obligations or evidences of indebtedness. The authority and/or the metropolitan government in any mortgages, trust indentures, or agreements with bondholders may provide that certain funds or revenues or payments from specific sources shall be kept in separate accounts and any such agreement shall be complied with by the metropolitan treasurer in keeping the accounts of metropolitan transit authority. No withdrawals from any account or accounts and no payments from such funds shall be made except upon order of the authority. The authority from time to time through its chairman or secretary shall order payments made from such account or accounts and payments shall be made upon such orders in writing signed by the chairman or by the secretary, so long as there is a balance to the credit of said account or accounts.

(f) The metropolitan treasurer shall keep accurate records and books dealing with the separate accounts of metropolitan transit authority and shall make a report to the metropolitan mayor of the metropolitan government and to the chairman of the authority on or before the first day of July each year showing in detail the amounts received and from what sources, and the expenditures made and how expended. Such books and records shall be open to inspection and examination by accountants or auditors of the metropolitan government as all books and records of the metropolitan treasurer are inspected. The secretary of metropolitan transit authority shall likewise keep accurate records and books showing all orders upon the metropolitan treasurer for expenditures of funds from accounts of the authority, to whom such funds are payable, and the purposes for which expenditures are made. The books and records of the secretary of the authority likewise shall be open to inspection and examination by the accountants or auditors of the metropolitan government.

(g) Metropolitan transit authority shall have no power or authority to levy or collect any special tax, fee or charge upon a public transit company operating under its jurisdiction, except such taxes, fees or charges as are now

in effect and are payable to the authority and as provided in this Charter, provided, however, that the authority and any public transit company operating under its jurisdiction may enter into any agreement, the making of which is authorized under this Act.

(h) In any lease agreement entered into between the authority and a public transit company there may be included in addition to the usual and necessary provisions of an agreement of such nature the following special requirements:

(1) The lessee shall confine its transit operations to the geographical area within the regulatory jurisdiction of the authority. The same ownership in the form of a holding company, or other business form or entity may own and operate a transit system in the metropolitan government area, along with other transit systems, but the operations of the lessee under the jurisdiction of the authority shall be an entirely separate business entity. All necessary consents shall be given by the authority to the transfer of transit franchises and properties to new companies or corporations, if such transfer becomes desirable, necessary or proper to meet this requirement. The authority by resolution may waive the requirements of this paragraph with reference to the geographical limitations upon operations and the separability of a lessee transit company as a business entity.

(2) The authority, as a condition of the lease agreement, may require the lessee to pay rentals in advance not to exceed a sum equal to the rental for one period of twelve months. The payment of this amount, however, shall not excuse the lessee from paying current rentals, but the advance rental deposit shall be applied to the payment of the rentals for the period covered during the last months of the lease.

(3) The lessee may be required to agree to repair and maintain the leased premises at lessee's expense and to cause to be issued policies of insurance with fire and extended coverage protection for the authority and/or the metropolitan government in an amount equal to the insurable value of such facilities, or such lesser amount as shall be agreeable to the authority, the expense of such repairs, maintenance and insurance to constitute a part of the operating expenses of the lessee.

7. (a) Where public transit companies operate under the jurisdiction and regulation of the authority, the authority shall adjust transit fares for such companies, as, if and when required, to the end that at all times the revenues of such companies from their operations under the regulation and jurisdiction of the authority shall be adequate to meet all reasonable operating expenses, including any moneys payable to the authority, depreciation, and taxes, including federal income tax; to provide sufficient

revenues to meet any commitments under any contract entered into between the authority and such public transit company for the payment of moneys; to provide sufficient revenues for the payment of funds required to meet the obligations of any bonds and interest thereon issued or incurred under this Act in providing garage facilities or transit facilities which may be used by any such public transit company; and to permit such public transit company, after meeting all the foregoing requirements or any additional requirements hereafter fixed upon its revenues, to receive from efficient operation a fair and reasonable net profit. If there shall be a delay in any fare adjustment by the authority, then such adjustment when made shall also take into consideration the extent to which the public transit company affected has failed to receive a fair and reasonable profit during any preceding period, provided that no period of time preceding the date of this enactment shall be included in any such preceding period. The soundness and security of the investment of any bonds issued under this Act, the efficiency and adequacy of the public service rendered by the public transit company, and the continued solvency and reasonably profitable operation of the public transit company, shall be assured and confirmed.

(b) In fixing rates of fare, and determining proper return therefrom to public transit companies, the authority may establish the fair and reasonable operating ratio for public transit companies, that is, the fair and reasonable relationship between the expenses (including all operating expenses, moneys payable to the authority, depreciation and taxes including federal income tax) and gross revenues. Standards of proper, efficient and adequate service likewise shall be established, and managerial duty to maintain, and managerial discretion in maintaining the same by public transit companies shall be recognized and assumed.

(c) The authority shall not use or exercise its power to engage in the operation of a public transit system so as to engage in competitive operation with any public transit company which is operating a public transit system under the jurisdiction and regulation of the authority. The authority by and with the consent of any public transit company operating within the jurisdictional limits of the authority may acquire, own and operate the public transportation properties of any such public transit company. The authority may use and dispose of such properties within the powers granted to authority under this Act. Nothing herein contained, however, shall be construed to restrict or limit in any manner the exercise of the regulatory jurisdiction of the authority so as to require any public transit company operating within its jurisdictional limits to furnish safe, adequate and proper service, nor shall the provisions of this paragraph restrict or limit the right of the metropolitan

government to institute proceedings to forfeit franchises for misuser or nonuser thereof in proper cases.

(d) If the authority shall become the operator of a public transit system it shall manage and operate such system in an efficient manner so as to enable it to fix rates of fare for passengers upon such transit system at reasonable rates consistent with providing safe, adequate and proper service, and the authority shall not operate any such public transit system for a profit or as a source of revenue to the metropolitan government. To this end if the authority shall own and operate a public transit system it shall fix rates of fare at no higher rates than shall be found to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever source derived) will be sufficient to pay as the same become due the principal and interest on the bonds issued under this Act; to meet the cost of and provide for maintaining and operating the public transit system, depreciation on the public transportation properties, and the administrative expenses of the authority; and to create adequate and proper reserves to meet principal and interest payments on such bonds.

8. (a) Revenue bonds may be issued under this Act to provide for the construction, acquisition, repair, improvement, replacement, or extension of public transportation facilities, garage facilities, or transit facilities, or for the refunding of any bonds theretofore issued for such purpose. Such bonds may be secured by pledge of the income or revenues of the authority from any source whatsoever but the resolution adopted by the authority and the resolution of the metropolitan council shall describe the source or sources of revenue which are pledged to secure any particular bond issue. Any such bonds may be secured additionally by vendor's lien, mortgage, deed of trust, or chattel mortgage. No person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

(b) Bonds issued under the authority of this Act shall be payable out of revenues of funds of the authority. The bonds shall not constitute an indebtedness of the metropolitan government within the meaning of any constitutional, statutory or charter limitation or restriction. Bonds may be issued under this Act notwithstanding any debt limitation prescribed by any statute or the terms of the Charter of the metropolitan government. Nothing herein contained, however, shall prevent or interfere in any manner with the issuance of general obligation or revenue bonds of the metropolitan government under other authorization, for the purpose of making funds available to metropolitan transit authority in furtherance of the general purposes of this Act.

The bonds herein provided for shall be issued in one or more series and shall bear such dates or mature at such dates or times, not exceeding thirty (30) years from their respective issue dates, bear interest at such rate or rates, not exceeding interest at six (6%) per annum, payable semiannually, be in such denomination (which may be interchangeable), be in such form, either coupon or registered, carry such registration privilege, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as the bond resolution or the trust indenture or mortgage may provide.

(c) After the sale of any revenue bonds pursuant to this article, the metropolitan government shall have power to authorize the execution and issuance to the purchasers, pending the preparation of the definitive bonds, of interim certificates therefor or of temporary bonds or other temporary instruments exchangeable for the definitive bonds when prepared, executed and ready for delivery. The holders of such interim certificates, temporary bonds or other temporary instruments shall have all rights and remedies which they would have as holders of the definitive bonds.

9. The metropolitan government shall cause to be published in a newspaper published in the metropolitan government area a notice stating the date of adoption of such bond resolution, the amount and maturities of the bonds authorized to be issued, and also stating that any action or proceeding of any kind or nature in any court questioning the validity of the creation and establishment of the transit authority, or the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts, provided for by the bond resolution shall be commenced within twenty (20) days after the first publication of such notice. If no such action or proceedings shall be commenced or instituted within twenty (20) days after the first publication of such notice, then all residents and taxpayers and owners of property in the metropolitan government area and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity of the creation and establishment of the transit authority, the validity or proper authorization of such bonds, or the validity of any such covenants, agreements and contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

10. Any provision of any law to the contrary notwithstanding, any bond or other obligations issued pursuant to this article shall be fully negotiable within the meaning and for all purposes of the law merchant and negotiable

instruments law of the State of Tennessee, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting such bond or coupon shall be conclusively deemed to have agreed that such bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of said law merchant and negotiable instruments law of the State of Tennessee.

11. Any bond resolution providing for or authorizing the issuance of any bond may contain provisions, and the metropolitan government and/or transit authority, in order to secure the payments of such bonds and in addition to other powers, shall have power by provision in the bond resolution to covenant and agree with the several holders of such bonds as to:

(a) The custody, security, use, expenditures or application of the proceeds of the bonds.

(b) The acquisition, construction, and completion or replacement of all or any part of the public transit facilities.

(c) The use, regulation, operation, maintenance, issuance or disposition of all or any part of the public transit facilities, or restrictions on the exercises of the powers of the metropolitan transit authority to dispose, or to limit or regulate the use, of all or any part of said facilities.

(d) Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of any such bonds or obligations as to any lien or security or the acceleration of the maturity of any such bonds or obligations.

(e) The use, and disposition of any moneys of the metropolitan transit authority, including revenues or rental derived or to be derived from the operation of said public transit facilities.

(f) Pledging, setting aside, depositing, or trusteeing all or any part of: (i.), the percentage of the gross receipts of any public transit company paid to the authority in lieu of the payment of the percentage of the gross receipts provided for under general law; (ii.), the rentals received by the authority; and (iii.), other revenues or moneys of the authority, to secure the payment of the principal of or interest on bonds issued under this Act, or the payment of expenses of operation or maintenance of the public transit facilities, and defining and describing the powers and duties of any trustee with regard thereto.

(g) Setting aside out of the percentage of the gross receipts paid in lieu of the percentage of the gross receipts provided under general law, rentals and other revenues and moneys of the authority as reserves and sinking funds, and designating the source, custody, security, regulation, application and disposition thereof.

(h) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness for the purposes provided in this article.

(i) Vesting in a trustee or trustees such property rights, powers and duties in trust, as may be deemed necessary or desirable.

(j) Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds.

(k) The procedure, if any, by which the terms of any covenant of contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced.

(l) Any other manner or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

12. All such provisions of the bond resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the metropolitan government and the transit authority and the several holders of the bonds regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding at law or in equity in any court of competent jurisdiction.

13. (a) In the event that there shall be a default in the payment of principal or of interest on any bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty (30) days, or in the event that the metropolitan government or the transit authority shall fail or refuse to comply with the provisions of this Act or shall fail or refuse to carry out and perform the terms of any contract with the holders of any such bonds, and such failure or refusal shall continue for a period of thirty (30) days after written notice to the metropolitan government or the transit authority of its existence and nature, the holders of twenty-five (25%) per centum in aggregate principal amount of the bonds then outstanding by instruments filed in the office of the metropolitan clerk and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of such series for the purposes provided in this section, and to have the power provided in this section.

(b) Such trustee may and upon written request of the holders of twenty-five (25%) per centum in aggregate principal amount of the bonds of such series then outstanding shall in his or its own name:

(1) By mandamus, certiorari or other action, suit, writ or proceeding at law or in equity, enforce all rights of the holders of such bonds, including the right to require the

transit authority to charge and collect rental adequate to carry out any contract as to, or pledge of, revenue, and to require the metropolitan government or the transit authority to carry out and perform the terms of any contract with holders of such bonds or its duties under this Act.

(2) Bring action or suit upon all or any part of such bonds or interest coupons or claims appurtenant thereto.

(3) By action or suit in equity require the metropolitan government or the transit authority to account as if it were the trustee of an express trust for the holders of such bonds.

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds.

(5) Declare all such bonds due and payable whether or not in advance of maturity, upon thirty (30) days' prior notice in writing to the metropolitan government or the transit authority, and if all defaults shall be made good, then with the consent of the holders of twenty-five (25%) per centum of the principal amount of such bonds then outstanding, annul such declaration and its consequences.

(c) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of such series in the enforcement and protection of their rights.

(d) In any suit, action or proceeding by such trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this Act, shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any rental and revenues of the transit authority pledged for the payment or security of such bonds.

(e) Such trustee, upon such default referred to in this section, whether or not all of the bonds of such series shall have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the transit authority's public transit facilities, and such receiver may enter upon and take possession of said facilities and, subject to any pledge or contract with the holders of such bonds, shall take possession of all moneys and all property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction of said facilities and proceed to operate the same or collect rental therefor.

14. (a) The public transit facilities and other property of metropolitan transit authority are hereby declared to be public property or a political subdivision of the state devoted to an essential public and governmental function and purpose and shall be exempt from all taxation by the state or any subdivision thereof. All bonds issued pursuant to this article are hereby declared to be issued by a politi-

cal subdivision of this state and for an essential public and governmental purpose, and such bonds, and the interest thereon and the income therefrom and all service charges, funds, revenues and other moneys pledged or available to pay or secure the payment of such bonds, or interest thereon, shall at all times be exempt from taxations by the state or any subdivision thereof, except for transfer, inheritance and estate taxes.

(b) Bonds issued pursuant to this article shall be legal investments for banks, trustees and other fiduciaries in Tennessee and shall be eligible as security for the deposit of public funds.

15. The State of Tennessee does hereby pledge, covenant and agree with the holders of any bonds issued pursuant to this Act that the State, until such bonds together with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged, will not:

(i.) Limit or alter the rights hereby vested in the authority to acquire, construct, maintain, reconstruct, replace, operate, lease, mortgage, transfer and convey public transportation properties, garage facilities and transit facilities.

(ii.) Limit or alter the rights hereby vested in the authority to fix, establish, charge and collect fares, rentals, revenues and moneys from the sources herein provided.

(iii.) Limit or alter the right hereby vested in the authority to contract with public transit companies for the payment of a percentage of gross receipts in lieu of the gross receipts tax levied under Item T, section 1248.3, Supplement to the Code of Tennessee, and to pledge the same as security for payment of the bonds issued under this Act, any such pledge having once been made, not to be subject to impairment or change.

(iv.) Limit or alter the right of the authority to fulfill the terms of any agreement made with the holders of bonds issued under this Act.

(v.) Impair the rights and remedies of the holders of the bonds issued under this Act.

(vi.) Modify in any way the exemptions from taxation provided for in this Act.

16. The powers conferred by this Act authorizing the acquisition, construction and operation of public transportation properties, garage facilities and transit facilities, the lease, mortgage, sale or disposition thereof, and the issuance of bonds, shall be in addition to and supplemental to any powers conferred by any other general, special or local law and the provisions of this Act shall be complete authority for the acquisition, construction, operation, lease, mortgage, sale or disposition of public transportation facilities, garage facilities, and transit facilities, and the issuance of revenue bonds without regard to or compliance

with the requirements, restrictions, limitations or provisions contained in any other general, special or local law.

17. Wherever in this Act an act is required to be done or may be done by a chairman, vice-chairman, secretary or assistant secretary of metropolitan transit authority, such act effectively may be done by the person filling such position at that time. Whenever an act is required to be done by a chairman, in his absence upon resolution of the authority recognizing such absence, such act may be done by a secretary, in his absence upon resolution of the authority recognizing such absence, such act may be done by a duly designated assistant secretary.

PART II

Related Private Laws.¹

1. For Private Act relative to Electric Power Board, see Char., appx. 3. As to Transit Authority, see Char., appx. 4.

Editor's note.—Set out herein are uncodified Acts of the Tennessee General Assembly applicable to the Metropolitan Government of Nashville and Davidson County.

Article I Farmers' Market.

- § 1. **Bonds—Authority to issue; limitation on amount; term; manner of sale; use of proceeds.**
- § 2. **Same—Approval by resolution and by voters.**
- § 3. **Same—Payment of principal and interest prior to first tax levy; special tax levy for payment of principal and interest.**
- § 4. **Same—Registration.**
- § 5. **Same—Name.**
- § 6. **Same—Fees, etc., for handling not to be paid to county officers.**
- § 7. **Same—Administration and expenditure of proceeds.**
- § 8. **Commission—Created; membership; appointment, term, qualifications and compensation of members; quorum; officers; vacancies; rules and regulations; limitations on use of space in markets; authority of general manager.**
- § 9. **Same—Sale of bonds prerequisite to action by commission.**
- § 10. **Same—Exclusive control of farmers' market and other marketing facilities.**
- § 11. **Same—Employment and powers of general manager.**
- § 12. **Same—Regulation of rental charges.**
- § 13. **Police jurisdiction over market; penalties for violations of Act, regulations, etc.**
- § 14. **Power of eminent domain:**
- § 15. **Acquisition of land, buildings, etc., generally; acceptance of state and federal aid.**
- § 16. **Fees, rents, etc. for facilities.**
- § 17. **Employment of personnel.**
- § 18. **Collection and disposition of fees, rents, etc.; method of making expenditures.**
- § 19. **Disposition of surplus funds.**
- § 20. **Bonds of general manger and other personnel.**

- § 21. **Property of commission, bonds and revenue exempt from taxation.**
- § 22. **Use of funds for preliminary surveys, etc.; operational reserve.**
- § 23. **Effective date.**

Article II Fair Commissioners.

- § 1. **Authority to operate divisional fair.**
- § 2. **Board of fair commissioners—Created; membership; term and compensation of members.**
- § 3. **Same—Rules and regulations; employees; restrictions on issuance of passes.**
- § 4. **Same—Meetings; quorum.**
- § 5. **Same—Annual Reports.**
- § 6. **Same—Bond of secretary.**
- § 7. **Same—Accounting system.**
- § 8. **Special tax levy; authority to borrow money; title to property.**
- § 9. **Cooperation with state division of fairs.**
- § 10. **Powers and duties of board generally.**
- § 11. **Special premiums and other promotional items.**
- § 12. **Effective date.**

Article I Farmers' Market.

Editor's note.—This article consists of chapter 400, Private Acts, 1949, as amended. The powers granted by this Act to the Farmers' Market Board are continued by section 11.702 of the Metropolitan Charter. The provisions of this Act should be read as applicable to the Metropolitan Government of Nashville and Davidson County, rather than to Davidson County. Amendments are indicated by a historical citation following each amended section. The portions of this Act relating to the issuance of bonds are applicable to any bonds issued prior to the creation of the metropolitan government and still outstanding. Any future bonds are subject to the provisions of the Metropolitan Charter. This Act is set forth herein for the principal purpose of showing the powers and duties vested in the Farmers' Market Board.

Sec. 1. **Bonds—Authority to issue; limitation on amount; term; manner of sale; use of proceeds.**

Davidson County, State of Tennessee, be and is hereby authorized to borrow money and issue its bonds therefor in the aggregate amount of one million dollars (\$1,000,000.00), bearing interest at not more than three per centum per annum, payable semiannually, both bonds and interest to be payable at such place or places in Nashville, Tennessee, or elsewhere, as may be designated by resolution of the Quarterly County Court of Davidson County, Tennessee, for the purpose of establishing a public market

or marketing facilities for use by farmers, transient produce dealers and licensed produce dealers as herein defined for the sale and distribution of fresh fruits and vegetables and other agricultural products and paying the expenses in connection with the issuance and sale of said bonds.

Said bonds shall mature in such annual installments not more than twenty-five years from their date, and shall be in such form and amount, registered or coupon, and shall be sold in such manner and for such prices as the quarterly county court of said county may determine, but in no event shall the bonds be sold for less than par, nor shall they be sold until the issue be first advertised at least once in some newspaper of general circulation in the City of Nashville, Tennessee, and once in some financial journal in New York City, said advertisement be published at least fourteen days before the sale of said bonds. The proceeds from the sale of said bonds shall be paid to the trustee of said county to the credit of a fund to be designated as the "Davidson County Farmers' Market and Building Fund," and shall be used exclusively for the purposes above recited. (Pr. Acts 1959, ch. 3.05, § 2.)

Sec. 2. Same—Approval by resolution and by voters.

Said bonds shall not issue until and unless authorized by resolution of the county court and the proposition of the issuance of such bonds shall have been approved by a majority of the qualified voters of Davidson County voting on that proposition at an election called for that purpose. At any election called for this purpose those voters desiring the issuance of said bonds shall vote in said election: "For Farmers' Market Building Bonds," and those opposing the issuance of said bonds shall vote "Against Farmers' Market Building Bonds."

Such election or elections shall be held in conformity with the laws controlling elections in said Davidson County. Should a majority of the qualified voters upon said proposition in such election or elections vote "For Farmers' Market Building Bonds," then said bonds shall be issued as herein provided in this Act. Should a majority of such voters vote "Against Farmers' Market Building Bonds," then such bonds shall not be issued unless and until they shall have been presented by the quarterly county court and approved by a majority of the legal voters as herein provided.

Sec. 3. Same—Payment of principal and interest prior to first tax levy; special tax levy for payment of principal and interest.

The principal and interest of any such bonds falling due before the proceeds of the first tax levy becomes available shall be paid from the ordinary or general funds of the county, and in each year during the life of said bonds the said Quarterly County Court of Davidson County is required mandatorily to include in the annual tax levy over and above all other taxes authorized by law a special tax levy of sufficient size on all property in Davidson County to meet the principal and interest thereof falling due in the ensuing year, and a sum sufficient to reimburse the ordinary or general fund for the payment of any such interest or principal.

Sec. 4. Same—Registration.

Said quarterly county court may in its discretion provide that the owner or holder of any such bond may register the same both as to principal and interest, or as to principal alone, in his name on the books of the county in the office of the county court clerk, or in any bank or trust company in the City of New York that may be designated for such purpose, under such regulations as said quarterly court may provide.

Sec. 5. Same—Name.

Said bond issue shall be called the "Farmers' Market Building Bonds."

Sec. 6. Same—Fees, etc., for handling not to be paid to county offices.

No fees, commissions, or charges shall be made or paid to any officer of Davidson County for receiving, disbursing or handling said bonds, or the proceeds thereof.

Sec. 7. Same—Administration and expenditure of proceeds.

The proceeds of said bonds placed to the credit of the trustee of Davidson County shall be administered and expended by the Davidson County Farmers' Market Commission for the purposes herein provided.

Sec. 8. Commission—Created; membership; appointment, term, qualifications and compensation of members; quorum; officers; vacancies; rules and regulations; limitations on use of space in markets; authority of general manager.²

There is hereby created the “Davidson County Farmers’ Market Commission.” The county judge of Davidson County shall be an ex officio member of said commission. The first commission shall be composed of five qualified and competent persons, to-wit: J. D. Peay, Henry Neuhoﬀ, W. A. Strasser, Jack Hitt, and C. R. Bramwell, who shall serve until the next meeting of the quarterly county court, at which time there shall be elected one commissioner for a term of one year, one commissioner for a term of two years, one commissioner for a term of three years, one commissioner for a term of four years, and one commissioner for a term of five years. As the respective terms of office of said commissioners expire, there shall be elected annually one commissioner for a term of five years.

The membership of said commission is hereby increased from five (5) members to seven (7) members. Not less than two (2) members of said commission shall be licensed wholesale fresh fruit and vegetable distributors, or shall be officers of a corporation which is so licensed. The two (2) additional members of said commission shall be elected by the Quarterly County Court of Davidson County at its July term, 1959, and shall serve for the same term as the other members of said commission.

The members of said commission shall possess the following qualifications: they shall be citizens of the United States of America, citizens of Davidson County, Tennessee, and shall be at least thirty years of age, and shall have been freeholders and taxpayers of Davidson County for at least three years.

Three commissioners shall constitute a quorum for the transaction of business; provided, however, no action shall be taken by the commission except by the concurrence of a majority of the entire commission.

The commissioners shall receive as compensation a per diem of five dollars (\$5.00) per day for each meeting of the Commission, but shall be paid for not more than twelve meetings in any one year.

The commission, upon its election, shall organize by the election of a chairman, vice chairman, and a secretary from among the members of the commission by a majority vote of all the members thereof, and a new chairman and new vice chairman, and a new secretary, shall thereafter be elected in like manner by the commission each year.

All minutes of the commission shall be recorded in a well-bound book, and shall be open for inspection.

All vacancies in the commission shall be filled by the county court for the unexpired term.

The commission shall have authority to adopt rules and regulations for its government and for the management and operation of the Davidson County Public Market or marketing facilities not inconsistent with the provisions of this Act.

Said rules and regulations, upon adoption by the commission, shall be submitted to the county attorney of Davidson County for approval, as to form and legality and, upon this approval, a copy of said rules and regulations shall be filed with the county clerk of Davidson County and a copy shall be kept in a well-bound book at the office of the commission and copies shall be posted on the market premises in at least three prominent places. The commission shall have authority to revise such rules and regulations at any time and these revisions shall be approved, filed and posted in the prescribed manner.

The commissioners shall be ineligible for appointment as manager, or to hold any other position created by the commission.

No person, firm or corporation shall be permitted to use or occupy any space or facility under the jurisdiction of said commission except: (1) farmers as herein defined, (2) transient produce dealers as herein defined and (3) licensed produce dealers as herein defined.

The word “farmer,” as used in this Act, is defined to be an individual or individuals who are primarily engaged in producing products of the soil, dairy farming, the production of poultry or live stock and the principal part of whose income is derived from any one or more of the foregoing operations. The burden of establishing that he is a bona fide farmer within the foregoing definition shall be upon the person seeking to use such marketing facilities as a farmer. The general manager shall have authority to determine whether or not any applicant is a bona fide farmer, subject to review by the commission.

The term “transient produce dealer,” as used in this Act, shall mean every person or persons who engages in the sale or distribution of or who exposes or offers for sale, distributes or otherwise deals in any fresh fruit, vegetable or produce as a temporary business and who holds a license issued by the county court clerk of Davidson County under item 65 (b) of section 67-4203 of Tennessee Code Annotated and a license as a transient and temporary merchant issued by the City of Nashville.

The term “licensed produce dealer,” as used in this Act, is defined to be an individual, firm or corporation duly licensed to buy, sell, store, handle or transport agricultural products in this state and who holds a license issued by the county court clerk of Davidson County, Tennessee, under item 84 or item 112 of section 67-4203 of Tennessee Code

Annotated, or under both of said items, if applicable, and who holds a license as a produce dealer issued by the City of Nashville, Tennessee; and who regularly pays state, county and city merchants ad valorem taxes.

The said general manager shall have full authority to exercise control over the type, weight and measure, designation, labeling and quality grade of commodities brought on the market consistent with the standards of the United States Department of Agriculture, the State Department of Agriculture, the State Department of Public Health, the Davidson County Department of Public Health, and the rules of the commission. This authority of the general manager shall include the right to condemn and dispose of substandard commodities, without personal liability to him or the commission and without liability to Davidson County, Tennessee.

The commission shall be authorized and empowered to construct, expand, remodel and extend marketing facilities.

The term, "marketing facilities," as used in this Act, shall include marketing space for farmers; wholesale stores for fruit, vegetable, poultry, egg, dry grocery, and meat dealers; service stations, barber shops, restaurants, banks and space for telephone and telegraph service; and other like business enterprises deemed essential to the operation of the market by the Davidson County Farmers' Market Commission.

The quarterly county court shall be authorized to borrow money in anticipation of the revenues from the market for the purpose of constructing, expanding, remodeling and extending such market facilities.

The commission shall be authorized to execute leases of unimproved real estate under its jurisdiction to licensed produce dealers for the purpose of constructing facilities. No such lease shall be executed for a period of time less than five (5) years. Such leases may be pledged as security for loans for the construction, renovation, improvement and extension of buildings or for improvements or equipment, with the approval of the finance committee of the Quarterly County Court of Davidson County, Tennessee. (Pr. Acts 1959, ch. 305, § 3.)

2. Editors' note.—Appointment, term of office and filling of vacancies for the Farmers' Market Board is now controlled by section 11.701 of the Metropolitan Charter.

Sec. 9. Same—Sale of bonds prerequisite to action by commission.

The "Davidson County Farmers' Market Commission" shall not have authority to incur any obligation, nor shall they receive any compensation for services rendered unless and until the bonds authorized to be issued under authority of this Act have, by resolution of the county

court, been issued and submitted to a vote of the people on a referendum election called for that purpose and have been approved by the people.

Sec. 10. Same—Exclusive control of farmers' market and other marketing facilities.

The commission created by this Act shall have the sole and exclusive control of the operation and management of the farmers' market authorized herein and other marketing facilities in Davidson County and over the acquisition, construction and establishment of such farmers' market or other marketing facilities. (Pr. Acts 1959, ch. 305, § 4.)

Sec. 11. Same—Employment and powers of general manager.

The commission may employ a building manager who shall supervise the construction of the farmers' market and other marketing facilities. Upon the completion of the construction of such farmers' market and other marketing facilities, the commission is authorized to employ a general manager who shall be in charge of the management and operation of such farmers' market and marketing facilities when constructed and established under the direction and supervision of the commission as may be provided from time to time by rules and regulations.

Said general manager shall be chargeable with the enforcement and execution of all rules and regulations, programs, plans and decisions made or adopted by the commission. He shall make and keep full and complete books and records which shall at all times adequately reflect the affairs of the commission, which books shall at all times be subject to the supervision, direction and control of the commission.

Sec. 12. Same—Regulation of rental charges.

The commission shall have full power to regulate charges to be made for rental space on the market and shall prescribe the rules and regulations in connection therewith, and it shall be the duty of the general manager to carry out the policies of the commission with respect to such rentals and rental charges, including the power to negotiate contracts and licenses for the construction of marketing facilities and the occupation of space, from time to time with all tenants of the commission. (Pr. Acts 1959, ch. 305, § 5.)

Sec. 13. Police jurisdiction over market; penalties for violations of Act, regulations, etc.

The confines of said market are hereby specifically declared to be within the police jurisdiction of the City of Nashville as well as within the jurisdiction of the sheriff of

Davidson County. It shall be the duty of the police department of the City of Nashville and the sheriff of Davidson County and his deputies to enforce the provisions of this Act and to enforce the law and preserve the peace on said premises. Any violation of this Act, including the occupation or use of space on said market without the payment of the prescribed rental or license fee, is hereby declared to be a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or both, such fine and imprisonment within the discretion of the court. (Pr. Acts 1959, ch. 305, § 6.)

Sec. 14. Power of eminent domain.

Said commission is expressly authorized to exercise the power of eminent domain on behalf and in the name of Davidson County within the boundaries of said county, in order to acquire any property, real or personal, necessary or useful in exercising the power and authority conferred by this Act. The title to all property taken for the purpose of exercising the powers conferred by this Act, whether acquired by contact or by the exercise of the power of eminent domain, shall be taken in the name of Davidson County, Tennessee, and such condemnation proceedings as may be deemed necessary or proper shall be pursuant to and in accordance with the provisions of section 3109 to 3134, inclusive, of the Code of Tennessee. Provided, however, that in no event shall said farmers' market commission have authority beyond the amount of the funds made available to it by the issuance and sale of the bonds authorized by the provisions of this Act; with the exception that, for the purpose of constructing, expanding, remodeling and extending such marketing facilities, the Davidson County Quarterly Court is specifically authorized to borrow money at a rate not to exceed six percent (6%) per annum in anticipation of the revenues from the market, and leases may be used as collateral for such loans as hereinabove provided. (Pr. Acts 1959, ch. 35, § 7.)

Sec. 15. Acquisition of land, buildings, etc., generally; acceptance of state and federal aid.

The County of Davidson is hereby authorized to acquire by purchase, gift, condemnation, or otherwise, and to construct, maintain, operate and use such buildings, works, lands, property and conveyance as in the judgment of the commission will provide an efficient and satisfactory farmers' market and/or marketing facilities for the inhabitants of Davidson County.

The commission is authorized to accept federal and state aid.

Sec. 16. Fees, rents, etc., for facilities.

The commission is hereby authorized to charge and collect rents, rates, fees or other charges for its services and facilities.

Such rents, rates, fees and charges being in the nature of use or service charges, shall, as nearly as the commission shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the facilities of the commission.

The commission shall prescribe and from time to time, when necessary, revise a schedule of such service charges or rentals, a copy of which shall at all times be kept on file and open to public inspection at the office of the secretary of the commission and at the office of the county court clerk of Davidson County.

Sec. 17. Employment of personnel.

The commission, in addition to its authority for the employment of a general manager for the management and operation of such marketing service, shall have the authority to employ such other necessary personnel in the operation of said marketing facilities, with the right to establish the pay scale for such employees; provided, however, that they shall confine themselves within the annual operating revenue of said marketing facilities, and provided, further, that the employees of the Davidson County Farmers' Marketing Commission shall not be subject to the provisions of the Davidson County Civil Service Act, nor of the Davidson County Pension Plan.

Sec. 18. Collection and disposition of fees, rents, etc.; method of making expenditures.

It shall be the duty of the general manager of said marketing facilities to collect, report and pay into the county trustee's office of Davidson County all monies received as rents, rates, fees and charges, monthly, and within ten days from the end of each month, said payments to be placed to the credit of a special fund to be designated "Farmers' Market Operating Fund." All expenditures of said commission authorized by this Act shall be on vouchers signed by the chairman or vice chairman of the commission and countersigned by the secretary.

Sec. 19. Disposition of surplus funds.

Any funds received from rents, rates, fees and charges remaining unexpended in the hands of the trustee in the special account designated "Farmers' Market Operating Fund," and unexpended on April 1st of each year may, by resolution of the county court, be transferred from said fund and applied towards the retirement of any outstanding farmers' market building bonds; provided, that said fund

may not in this manner be reduced to less than five thousand dollars (\$5,000.00), or the court may, by resolution, authorize its expenditure by the farmers' market commission for betterments, extensions and repairs.

Sec. 20. Bonds of general manager and other personnel.

The commission shall fix the amount of bonds to be required by the general manager, and all others who are to handle or be responsible for the funds and/or property of the commission, or the county hereunder, and all such bonds shall have as surety thereon some approved bonding or surety company.

Sec. 21. Property of commission, bonds and revenue exempt from taxation.

All of the commission's facilities and property are hereby declared to be public property of a political subdivision of the state devoted to an essential public and governmental function and purpose and shall be exempt from all taxation by the state or any subdivision thereof. All bonds issued pursuant to this Act are hereby declared to be issued by a political subdivision of this state and for an essential public and governmental purpose, and such bonds, and the interest thereon and the income therefrom and all service charges, funds, revenues and other monies pledged or available to pay or secure the payment of such bonds or interest thereon, shall at all times be exempt from taxation by the state or any subdivision thereof, except for transfer, inheritance and estate taxes.

Nothing in this Act shall be construed as relieving the users of said marketing facilities from the payment of all licenses, fees and taxes imposed upon such business by state and local laws, including rules and regulations prescribed by the commission, and the failure of any user to pay said license, fees and taxes when due will operate to suspend his right to use said marketing facilities until said licenses, fees and taxes are paid. (Pr. Acts. 1959, ch. 305, § 8.)

Sec. 22. Use of funds for preliminary surveys, etc., operational reserve.

When and if the bonds herein provided shall be authorized by the county court, approved by referendum election of the people, and sold, then in that event, the said farmers' market commission shall have the right to place to the credit of the "Farmers' Market Operating Fund" ten thousand dollars (\$10,000.00) of said proceeds of the bond sale to be used in making necessary surveys and investigations required preliminary to the building of said market facility; and provided that not less than five thousand dollars (\$5,000.00) shall be reserved for the operation of said

marketing facilities until such time as the rents, rates and fees charged for said services may make such facility self-supporting.

Sec. 23. Effective date.

This Act shall take effect from and after its passage,³ the public welfare requiring it.

3. Passed March 30, 1949. Approved by governor March 31, 1949.

Article II Fair Commissioners

Editor's note.—This article consists of chapter 515, Private Acts 1923, as amended. The powers granted by this Act to the board of fair commissioners are continued by section 11.602 of the Metropolitan Charter. The provisions of this Act should be read as applicable to the Metropolitan Government of Nashville and Davidson County, rather than to Davidson County. Amendments are indicated by a historical citation following each amended section.

Sec. 1. Authority to operate divisional fair.

Counties having a population of not less than one hundred and sixty-five thousand (165,000) inhabitants nor more than two hundred thousand (200,000) inhabitants, according to the federal census of 1920, or any subsequent federal census, be and hereby are authorized to establish, maintain and operate a divisional fair for the benefit of the people of said counties, at which shall be exhibited, for the education of the people of said counties, the resources and developments of said counties and the State of Tennessee; and the progress of its people in all kinds of enterprises and endeavor, the agricultural, mineral, livestock, commercial, industrial, educational and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

**Sec. 2. Board of fair commissioners—
Created; membership; term and
compensation of members.⁴**

There shall be, and there hereby is, created a board of fair commissioners, which shall be known as the "board of fair commissioners," and shall consist of seven (7) members, one of whom shall be the county judge, who shall ex officio be a member thereof; the remaining six (6) members shall be elected by the quarterly county court for a term of six (6) years, when and as the terms of office of the present members of said board expire. Not more than two members of the county court shall be eligible to election and to serve on said board at one time. The members of said board shall serve without compensation, but they shall be entitled to have all expenses actually incurred in

the performance of their duties as such commissioners, on properly certified statements submitted to and approved by the financial agent of such court. These expenses, as all others, are to be paid out of the fair funds. (Pr. Acts 1931, ch. 178, § 1.)

4. **Editor's note.**—The membership and term of office of the board of fair commissioners is now controlled by section 11.601 of the Metropolitan Charter.

Sec. 3. Same—Rules and regulations; employees; restrictions on issuance of passes.

Said board of fair commissioners shall have full power to prescribe rules and regulations for its own government and organization, and for the holding of said fairs and expositions, and shall elect officers for the fairs, and shall choose whatever employees it may deem necessary and fix their compensation; provided, it shall not be lawful for the board, or any authority, to issue free passes to said fair to any person or persons other than employees in connection with said fair, including exhibitors and persons holding concessions and their bona fide employees upon the grounds; provided that it shall be lawful for said board to issue personal passes to members of the county court, to the governor of the state, to the commissioner of agriculture of the state, and to the mayor of the City of Nashville. (Pr. Acts 1931, ch. 178, § 2.)

Sec. 4. Same—Meetings; quorum.

The members of said board shall meet at the office of the county judge on the first Tuesday in April and November of each year, and may meet whenever called together upon five days' notice by the chairman upon his own motion, or upon written request of three members. A majority of the members of the board shall constitute a quorum for the transaction of business.

Sec. 5. Same—Annual reports.

Said board of fair commissioners, through its chairman and secretary, shall make a full report to the quarterly county court only at the January term of said court of the condition of the property and the operation of the fair, accompanied by a statement of all receipts and expenditures, verified by the oath of the chairman and the secretary, which accounts shall be at all times open to inspection and examination by the county auditor, or any committee the county court may appoint for that purpose.

Sec. 6. Same—Bond of secretary.

Said board of fair commissioners shall require its secretary to execute a good and solvent bond in the sum of five

thousand dollars (\$5,000.00), payable to the State of Tennessee for the use and benefit of said county, conditioned upon the faithful performance and discharge of his duties as secretary of said fair, the premium on said bond to be paid by the board of fair commissioners out of fair funds.

Sec. 7. Same—Accounting system.

The said board of fair commissioners shall install such system of accounting as the auditing commission of such counties coming under the provisions of this Act may direct.

Sec. 8. Special tax levy; authority to borrow money; title to property.

The county court of such counties may, at the July term of the 1923 court, and of each year thereafter, levy a tax upon all taxable property of the county of not more than two-tenths of a mill; to be known as the "fair tax," for the purpose of maintaining and operating a divisional fair. Said funds derived from the levy of this tax shall be expended under the direction of the board of fair commissioners. Said board shall have control of the disbursement of all funds collected by taxation, received from the State of Tennessee, or collected from gate receipts, concessions, or leases of the said fair property for educational or amusement purposes, for the operation, maintenance or improvement of the fair property.

Said board of fair commissioners is hereby vested with the power and authority to borrow money for the purpose of making permanent improvements in and on any property held and owned by the county for fair purposes, to purchase additional property for fair purposes, and to secure the payment of money so borrowed by mortgages or deeds of trust on the whole or any part of said fair property. Provided, that before buying any additional property or borrowing any money, or executing any such mortgages or deeds of trust, said board of fair commissioners shall first obtain the approval of the county court of the county, which approval shall be in the form of a resolution duly and legally adopted by said county court, authorizing the purchase of said additional property, designating the officers of said board of fair commissioners who shall sign and execute the evidences of any such indebtedness and the mortgages or deeds of trust securing the payment of same, and fixing the amounts to be borrowed and the maximum rate of interest to be paid therefor. And provided further, that any such obligations created in conformity with this provision, shall not be held or considered as the general obligation of the county, but shall be repaid only from the proceeds of the tax levy herein provided, and funds collected from gate receipts, concessions, or leases of said fair property for educational or amusement

purposes. And provided further, that not more than two hundred fifty thousand dollars (\$250,000.00) shall be so borrowed, and when borrowed, shall mature in annual installments not more than six (6) years from date. And provided further, that until said loan is discharged, the tax levy of two-tenths (2/10) of a mill heretofore authorized shall be mandatory and shall be levied each and every year until said loan is liquidated or paid. And provided further, that the title to any property purchased under the provisions of this Act shall be taken in the name of Davidson County. Provided, however, that all funds received by the board of state fair commissioners shall rotate through the county trustee's office, for the more efficient and accurate accounting thereof. (Pr. Acts 1925, ch. 235, § 1; Pr. Acts 1927, ch. 203, § 1.)

Sec. 9. Cooperation with state division of fairs.

The board of fair commissioners shall have authority to cooperate with the state division of fairs on all matters, but if the expenditure of funds is contemplated beyond the amount raised by any tax levy made by the county court, hereinbefore provided, such matter shall be referred to the county court for its approval or disapproval.

Sec. 10. Powers and duties of board generally.

Said board of fair commissioners is hereby vested with the power, authority and duty to enter into negotiations with the commissioner of agriculture of the State of Tennessee, for the surrender and cancellation of any lease now held by the State of Tennessee of any fair property in such counties, and to take complete charge and control on behalf of such counties, and they shall use and maintain said property by holding thereon, at least once a year, for not less than six days, a fair or exposition for the benefit of the people of such counties, and they may lease for amusement purposes said property at such times and in such ways as not to interfere with the operation of said fair, the proceeds received from said leases to be used in the maintenance of said fair, at which shall be exhibited, as far as possible, the resources of said county and the State of Tennessee, and the progress of its people in all kinds of enterprises and endeavor. The agricultural, mineral, livestock, commercial, industrial, and all other interests, shall be duly exhibited, and every reasonable effort shall be made to develop, improve, encourage and stimulate all lawful and substantial interests and industries.

Sec. 11. Special premiums and other promotional items.

Said board of fair commissioners shall have power to formulate rules for the offering, and to offer special pre-

miums, and in every other way possible promote the best interest of said counties in the conduct and management of said divisional fair.

Sec. 12. Effective date.

This Act shall take effect from and after its passage,⁵ the public welfare requiring it.

5. Passed March 28, 1923. Approved by the governor March 31, 1923.

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